

VOLUME III, NUMBER 2, SPRING 2003

CLAREMONT

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A Journal of Political Thought and Statesmanship

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Commanders**

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Stoner:
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Abortion**

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HAIL, COLUMBIA

by Charles R. Kesler

FOR THE GENERATIONS OF AMERICANS WHO GREW UP WATCHING "Star Trek" and "Star Wars," it's almost impossible to react to the loss of the space shuttle Columbia as some of our parents and grandparents might have, shaking their heads in sorrowful exasperation: those brave young men and women had no business up there in the first place. Homer Hickam's sweet memoir, *Rocket Boys*, captures the transition vividly. If you grew up watching satellites in the night sky and humans rocketing into space, doubts don't register. Space is the final frontier.

For the Columbia astronauts, that turned out to be grimly true. But in their lives, and less impressively in our own, Captain Kirk's mantra expresses a heartfelt assumption. Of course space is the final frontier, which mankind, perhaps alongside Vulcans, Wookies, and other rational species, will explore and occupy. A future, however distant, without the Galactic Republic or the United Federation of Planets would be not only a disappointment but a surprise.

But why, exactly? The urge to explore space ("conquer" has fallen out of favor) is usually justified as a scientific imperative. In its cruder version, the argument is that the space program creates "spinoffs." There are many of these—not including, by the way, the products most associated with astronauts, Tang, Velcro, and Teflon, which the *Los Angeles Times* notes were all developed independently of the space effort. Although NASA's list of spinoffs is long, it's a little deflating to find on it, alongside CAT scans, such breakthroughs as smoke detectors and cordless drills.

So its advocates typically offer a second scientific argument for America's space program. This might be called the "pure theory of space exploration": forget utility, it's all for the sake of knowledge. We have to explore the universe in order to satisfy our desire, as a species, to know. There is a certain nobility to this argument, but it shoots too high and begs too many questions. As a species, after all, we're ignorant of many things. Why is it more important to probe the vastness of space rather than the ocean depths? For that matter, why astrophysics and not metaphysics? Thus the idealism of this appeal often collapses back into the materialist logic of spinoffs: the knowledge that comes from exploring space will relieve man's estate more reliably than oceanography, let alone fruitless metaphysics.

Modern science's idealism is elusive; in its own way, utopian. It can't help trying to turn the earth into a paradise...unless instead it tries to lift

man off the earth and into paradise. The latter is a revealing variation on the pure theory of space exploration. If human imperfections (e.g., greed, wars, budget cuts) frustrate science in its desire to transform the earth, then the alternative is to transform man by taking him away from the earth.

Here one encounters the romanticism of manned space-flight at its most extravagant: we as a species must soar into the heavens because we expect to discover heaven, a pure, beautiful, undefiled realm in which man himself can be regenerated. Space represents a second chance for mankind, a new world where we may start over and avoid our earthly mistakes. Though itself a product of mundane political bargaining, the international space station is a symbol of this aspiration, that through scientific cooperation men may overcome all their political and cultural divisions.

The same impulse sparks the resistance to the "militarization" of space. This pristine realm should not be forced to give up its innocence, to spoil its promise by taking sides, as it were, in the human fray. Yet man can't avoid taking the earth with him into space, because he takes his nature with him, with all the moral virtues and vices that entails.

In the happy faces of the Columbia crew before liftoff and while in orbit, we saw something that had nothing to do with spinoffs or the accumulation of knowledge: the sheer fun of the adventure. Their joy was connected, of course, to the mission's riskiness, for both as participants and observers we recognize that great and noble deeds, including deeds of exploration, make a kind of claim on the human soul. It was not the crew's racial, ethnic, and international diversity that made the ship's loss so poignant. It was the fact that this multifarious equality culminated in so many expressions of human excellence. Theirs was, in that sense, a very American story.

We need to remind ourselves that most exploring has been tied, one way or another, to empire; to the military, diplomatic, and commercial dictates of politics. This consideration, so clear in the space program's formative anxieties about Sputnik and Yuri Gagarin, has faded from mind, leaving the space program adrift. We honor the Columbia Seven best by thinking boldly about space exploration and exploitation, commercial and governmental. When he stepped off the ladder and onto the surface of the moon, Neil Armstrong declared that he had taken a giant step "for mankind," and he had. But he planted on the lunar surface an American flag.

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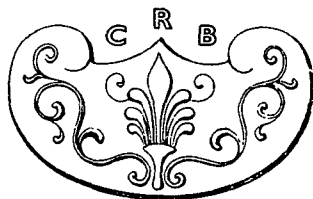
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SOLDIERS, STATESMEN, AND VICTORY

Supreme Command: Soldiers, Statesmen, and Leadership in Wartime,
by Eliot A. Cohen. Free Press, 288 pages, \$25

Book Review by Angelo M. Codevilla

THE GREAT WAR STATESMEN, AS ELIOT A. Cohen calls them, are great in part because they insist that war is too important a business to be left to generals. Such statesmen “ask too many questions” and issue too many orders “about tactics, particular pieces of hardware, the design of a campaign, measures of success,” and other matters allegedly best left to the generals. *Supreme Command* is an enlightening study of four political men—Abraham Lincoln, Winston Churchill, Georges Clemenceau, and David Ben-Gurion—who succeeded in war while dominating their military subordinates, as well as a discussion of how American statesmen messed up wars in Vietnam and the Persian Gulf by behaving unlike these model commanders. It ends by drawing lessons from these positive and negative examples of civil-military relations.

Cohen’s apology, at the outset, for his “hero worship” of the book’s main characters is lost on this reviewer, who shares his admiration for them. What’s more, *Supreme Command* is full of instructive stories and easily fulfills its cover billing as “a good read.” The further the reader gets into the book, however, the more he is likely to doubt its thesis that success in war is somehow dependent on any kind of proper relations between civilian and military leadership. Rather, Cohen’s examples suggest two propositions that the book does not deal with explicitly. First, the correctness of the decisions is more important than whether the person who makes them wears a uniform or civilian garb. Second, the most important of those decisions is to identify what victory is and to pursue it through changing circumstances.

The book begins by setting up a straw man, albeit one with an impressive pedigree: the “normal theory of civil-military relations.” Elaborated

by Samuel Huntington, and endorsed by the U.S. military, this theory holds that the civilian leadership sets the goals of war, and then gets out of the military’s way as it accomplishes its task according to its professional expertise. This is the book’s intellectual framework. Cohen rightly emphasizes its congruence with Clausewitz’s notion of war as the pursuit of political ends. Cohen of course knows that wars have been botched by civilians as well as by military men and that just as some military men have proved to be more politically astute than their civilian superiors (de Gaulle comes to mind), so some civilians have been more competent militarily than their generals. Still, following Clausewitz, Cohen points out that there can be no principled distinctions between the political and military realms of judgment—only prudential ones. Given this, one wonders why Cohen focuses the book on civil-military interaction, rather than on who in particular cases is right, who is mistaken, to what extent, and why.

The chapter on Lincoln is the book’s highlight. Here was a military amateur who understood above all what the war was about, who instructed himself in the details of military technology and operations, and who then set about choosing, as well as closely supervising, military subordinates. It is clear from Cohen’s account that Lincoln might well have followed the “normal theory” if his generals had been up to their tasks, but that he involved himself to the extent he did because he was more competent than they militarily as well as politically. He understood better than his credentialed elites, for example, that the increased range of rifles as compared to musketry would expose infantry to fire over a greater portion of their charges. Above all, he understood what it would

take to win the war, and wanted to win more passionately than they.

Cohen writes that Lincoln’s greatest contribution was his understanding of what victory would consist of and of what would bring it about. This contribution was greatest not because it came from the political leader of the United States, but because it happened to be correct. Cohen correctly praises Lincoln for changing his basic objective—restoration of the Union with slavery restricted but not abolished—when the war itself demanded the change. And he praises him for *not* changing the operational goal toward which he relentlessly drove his generals from the war’s beginning to its end: the destruction of the Confederate armies. In this connection, Cohen cites approvingly Lincoln’s order to Grant, which the general then pressed upon his own subordinates: “Watch [this priority] every day and hour and force it.” Clearly, the changing and not changing, the watching and the forcing, were good because Lincoln’s “theory of victory” was right—not the other way around.

Winston Churchill meddled “incurably and unforgivably” with military professionals more accomplished than Lincoln’s. Like Lincoln, Churchill was no respecter of persons. He dealt with others by “a relentless querying of their assumptions and arguments, not just once but in successive iterations of a debate.” In one of the book’s nicest phrases, Cohen tells us that Churchill held his subordinates’ calculations “up to the standards of a massive common sense.” Though Churchill was not trained in science, he learned enough physics and chemistry and biology to understand the controversies among scientists on matters pertaining to the war effort, enough to apply his “massive common sense” and come up with the right results. To him we owe

Britain's right use of radar, as well as of signals intelligence—the "wizard war." He was also better at calculating Hitler's invasion capabilities than his professional military.

Churchill's detractors delight in pointing out instances in which his detailed directives—dozens flowed from him daily—led to mistakes. This proves only that he was a fallible human being. But Cohen reminds us that the vast majority of his directives were correct, especially "his largest political and strategic judgments." In other words, he got the big ones right, which just about no one else did. Above all, as Leo Strauss recalled on the occasion of Churchill's death, when "the tyrant stood at the height of his power," no one but Churchill had the mind to see what he was all about and the lion's heart to oppose him.

One might argue that Churchill is a flawed model because he did not achieve victory. In fact, what he considered victory proved to be beyond Britain's power, and beyond his own power to sell to Franklin Roosevelt. Nevertheless, Churchill's judgment on what would constitute victory stands the test of time very well. Like Lincoln, he knew what kind of peace he was working to produce, and he was right.

THE SAME CANNOT BE SAID OF CLEMENCEAU. Nor does Cohen claim that "the tiger" of World War I got the big questions right in the sense that Lincoln and Churchill did. There is no question, as Cohen writes, that Clemenceau commanded by infecting others with his dedication, as well as by brilliantly balancing his two headstrong marshals, Ferdinand Foch and Henri Phillipe Pétain. Cohen writes: "Clemenceau's management of competing military advice and philosophy required a stream of decisions, not an overall choice in favor of one or the other." Exactly.

Cohen points to two major differences between the marshals that Clemenceau arbitrated: the extent to which allied troops should have been integrated into a single command structure, and whether the main axis of effort should have been in Flanders or Lorraine. These were important matters, which eventually were resolved successfully. Both together, however, paled in importance next to the question of what kind of peace France required, and how that might be secured.

Cohen shows, approvingly, that Clemenceau trumped Foch's demand for occupying the Western Rhine Valley by asserting the political primacy of good relations with France's allies. Alas, Foch's judgment on Clemenceau's Versailles settlement turned out to be exactly correct: "This is not peace. It is an armistice for twenty years." The "peace" of Versailles was nei-

ther fish nor fowl, at once too harsh and too soft. Its indictments, reparations, provisions, and restrictions incited hate, while its lack of military substance earned contempt. Any procedural virtues that went into producing this exemplary failure of statesmanship are overshadowed by substantive vices. Why not for Cohen?

Cohen's discussion of Ben-Gurion is liable to the same doubt. Israel has won every battle it has ever fought. And yet it has utterly failed to win any but brief respites from war—never mind peace. A closer look (the best work on the subject is by the American Enterprise Institute's David Wurmser) shows that Israel's leaders, political as well as military, have thought little about what might be done militarily to achieve the peace they want. And that includes the greatest of them, Ben-Gurion.

Ben-Gurion did more than master Israel's military. He created it. Even more than Lincoln, he was a brilliant autodidact who ended up teaching soldiers the basics of their craft, from organization to weapons production to training and the choice of objectives. Cohen rightly lauds him for, at one point, recognizing that securing the corridor between Tel Aviv and Jerusalem was essential to Israel's existence, and focusing the army's efforts on that. But Cohen also praises him for, at a certain point, giving up on East Jerusalem and the Old City in deference to the United Nations and to prospective Western allies. Cohen suggests that by so doing, Ben-Gurion stopped just at the cusp of what Clausewitz called "the culminating point of victory," the point beyond which success will likely tip into failure. Nonetheless, the subsequent half-century has shown Ben-Gurion's decision to be a mistake as pregnant with future wars as was Clemenceau's failure to secure France's interests when he had the chance. Any statesman should know, as Churchill knew, that the way to secure support from allies is to be able to get one's way without them, and that the surest way to be left in the lurch is to weaken yourself in the hope that others will rescue you.

Whence did Ben-Gurion think Israel's peace would come? It seems that like Social Democrats of his generation, he did not connect the political shape of peace with the military means of war because he expected that the march of social progress would override human differences. What might force the Arabs to give up trying to kill Israel? In Ben-Gurion's time and since, any number of persons and movements have contended for power in the Arab world. Surely an Israel that wins its battles could do so in ways reasonably calculated to discredit its worst political enemies? But there is precious little discussion of such ends and means in Israeli thought, or in Cohen's account of it.

THE FOUR PARADIGMATIC CHAPTERS set up Cohen's treatment of what, one suspects, is the question that led him to write the book in the first place. How and why have latter-day American statesmen and soldiers so fouled the relationship between military means and political ends that, like Israelis but with much more power, they have managed to lose wars despite winning battles?

This inquiry into the congenital shortcomings of our Establishment is a delicate matter for anyone who gets along in Washington. That may be why Cohen frames his challenges to conventional wisdom in terms of civil-military relations—thoroughly conventional terms that touch only tangentially the basic assumptions of our political-military "best and brightest." But there is no evading the awful failures of American statesmanship and generalship in Vietnam and the Persian Gulf, the two examples to which Cohen finally turns.

In the first case, Cohen agrees with H.R. McMaster that "the [Joint] Chiefs' inability to formulate a specific proposal [for victory] or estimate of the situation left the initiative for planning with the proponents of graduated pressure." This meant that the only questions on the table were how many U.S. troops in South Vietnam, and how much bombing (for interdiction and pressure) in the North? Nevertheless, Cohen cites "the account of one aide present in November 1965 at a meeting between President Johnson and the Joint Chiefs of Staff" at which "the Chiefs had come to a different political conclusion from that of their civilian superiors." According to this account, "[the Chiefs] decided unanimously that risks of violent Chinese or Soviet reactions to massive U.S. measures taken in North Vietnam were acceptably low, provided we did not delay. Unfortunately, their opinions and judgments were not commonly held in the Pentagon, at least by those who were actually steering military strategy."

Cohen does not explicitly say that the Chiefs were mistaken. In retrospect, they were absolutely correct. U.S. forces could easily have invaded Hanoi and destroyed its regime. In 1965, the USSR and Red China were in a worse position to oppose our destruction of the Communist regime than when the real prospect of that destruction loomed in December 1972. But Cohen faults the Chiefs and simultaneously validates the civilian leaders' treatment of North Vietnam as a "sanctuary" by arguing that the Chiefs had little evidence for their position and by suggesting that the Chiefs' plans might not have been "acceptable to American diplomacy and bearable for the American public."

This may be the only politically correct way for Cohen to tell hard truths about the intel-



lectual construct through which the best and brightest viewed the world. But it surely is an indirect way. Cohen does not point to any superior evidence supporting the civilian leadership's position. He only bewails that "there was no comprehensive political-military assessment of American strategy." But in fact the highest officials, consulting with America's most prestigious minds, conducted constant assessments and reviews; their conclusions confirmed one another year after year. The political-military "strategy" by which they ran the Vietnam War was indeed "acceptable to American diplomacy." And it was intended to be "bearable" for the only part of the "American public" that these prestigious and powerful persons cared about. Note that from the war's beginning to its end, more Americans favored a harsher policy towards North Vietnam than a softer one. Yet most of "those who were actually steering military strategy" thought that the majority of Americans who wanted a clear choice between victory and withdrawal (and who preferred the former) were more dangerous to world peace than the North Vietnamese, the Chinese, or the Soviets. Robert McNamara's memoir, *In Retrospect*, makes this crystal clear, as does Anthony Lake's 1976 anthology of contemporary policy makers.

That is why Cohen knows better than to take at his word McNamara's regret at "not forcing...a knockdown, drag-out debate over loose assumptions, unasked questions, and their analyses underlying our military strategy in Vietnam." The best and brightest knew very well what ideas and people they were putting beyond the pale, and which ones they were admitting, and why. Cohen points out that

they chose top military leaders "for political pliability." These were soldiers who would not point out the military stupidity of fighting in the South rather than in the North of Vietnam, careerists who did not invent the "body count mentality" but who traded body counts (and bomb tonnages) for promotions. The harsh truth is, then, that the best and brightest fouled up the war not because of any lack of "genius" in civil-military relations or because they let the military run loose, but because they got the big questions wrong and made the military over into their own fretful image.

For Cohen, correctly, Colin Powell symbolizes the continuing lack of diversity between high-level civilian and military thought. Powell, who in 1990 was Chairman of the Joint Chiefs, helped to restrict President Bush's objective in the Gulf War to the liberation of Kuwait, and to elicit President Bush's cessation of the war that allowed Iraq's main forces to survive. There was no strong objection either from the civilian or the military side. So Cohen's attempt to apportion responsibility for the outcome of the 1990-91 Gulf War comes down to this:

The civilian leadership appears, in some measure, not to have thought through the longer-term consequences of the war or the follow-through that even a smashing victory requires. They had come to accept, by default, the military's definition of victory as a battlefield outcome, in which the relationship with political objectives was defined as narrowly as possible. In this case that *nominal* [emphasis mine] political objective was the restoration of the pre-

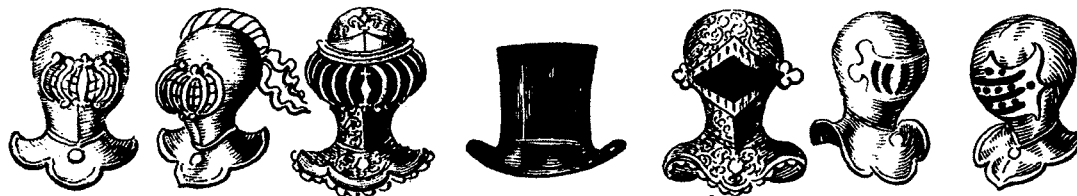
vious government of Kuwait, but in point of fact—as soon became clear—larger, vaguer, and even more consequential purposes were entailed.

All true, and as close as Cohen gets to saying that today's political-military elites have an orthodoxy that leads them, like their Vietnam predecessors, to get the big ones—the objectives, and the relationship between ends and means—exactly wrong. Surely, that is the point.

The biggest of the big ones is the definition of victory. Lincoln and Churchill were great war statesmen precisely because they divined, in their respective predicaments, the meaning of victory. Failures of statesmanship come from various misunderstandings of victory. Which is why the conclusion to Cohen's discussion of the Gulf War is disappointing: "Perhaps the greatest error a strategist can make, in fact, is believing in the chimerical notion of 'victory'—as opposed to incremental and partial successes, which then merely give way to new (if, one hopes, lesser) difficulties." Does Cohen mean merely that nothing lasts forever? Or does he mean that the art of war consists not in setting the proper ends and using the proper means unto victory, but in cultivating proper civil-military relations?

Cohen's book argues for another, to explore why America's political-military elites consistently get the big ones wrong. It might start by asking why they treat victory more circuitously than the Victorians treated sex.

Angelo M. Codevilla is professor of international relations at Boston University and author (with Paul Seabury) of *War: Ends and Means* (Basic Books).



Book Review by Andrew E. Busch

GOING SOUTH

The Rise of Southern Republicans, by Earl Black and Merle Black.
Belknap Press, 464 pages, \$29.95

Crash!ng the Party: How to Tell the Truth and Still Run for President,
by Ralph Nader. St. Martin's Press, 400 pages, \$24.95 (cloth), \$14.95 (paper)

FIFTY YEARS AGO, "REPUBLICAN" WAS MORE often a cuss word than a valid description of a living voter in the American South. Today, Republicans in the South command a majority of U.S. House and Senate seats and the allegiance of a plurality of voters. This book by political scientists (and twin brothers) Earl Black of Rice and Merle Black of Emory universities deftly explains how and why that transformation—which has produced the first nationally competitive two-party system since the 1850s—took place.

The Republican strategy almost from the time of the party's conception was to write off the "Solid South," dominated by the Democratic Party, and win overwhelming majorities in the North (by which the authors mean North, Midwest, and West) in order to make up for it. This meant that the Democrats only had to win a significant minority of the North in order to prevail. Not until the Great Depression, when the Republicans became the party of Hoover rather than the party of Lincoln in the North (and the party of Hoover *and* Lincoln in the South), did the weakness of this strategy become obvious. Now, in order to prevail, the GOP had to win majorities in the North that were completely unrealistic—very difficult to attain, and impossible to sustain (their shortlived congressional success in 1946 was a demonstration). Thus Republicans turned their eyes south.

At the same time, Democratic liberals were on the verge of trespassing on the unwritten compact that had given New Deal Democrats their national majorities: the South would guarantee Democratic victory, the national Democrats would protect Southern segregation. The first rumblings came in 1948, when Harry S. Truman's civil rights plank precipitated the "Dixiecrat" revolt, recently celebrated by (now former) Senate majority leader Trent Lott. The Civil Rights Act of 1964 marked the final rupture.

Yet as the Blacks describe, the Republican ascent was neither quick nor automatic. It came in at least five waves, each of which confronted a hostile environment and entrenched, adaptable Democratic power. The first was Eisenhower's candidate-centered campaign to pick off some

peripheral Southern (Florida, Texas, North Carolina, Virginia, Tennessee, Arkansas) states in 1952 and 1956, which did little for the party's congressional candidates. The second was the Goldwater moment, when Republicans penetrated the Deep South for the first time since Reconstruction. Local Democrats adapted, however, by becoming more conservative and emphasizing even more their independence from the national Democratic Party; few of the Republican congressmen brought in on the Goldwater tide survived. The later sixties were another such moment: the 1966 midterm elections brought in a group of anti-LBJ Republicans and George Wallace's 1968 presidential campaign served for many voters as a transit point out of Democratic loyalty. Yet, again, Democrats adapted. The Voting Rights Act of 1965 and the one-man, one-vote decisions of the U.S. Supreme Court combined to induce creative Democrats to begin building biracial coalitions in order to defeat conservative opponents.

To the Blacks, the Reagan presidency was the key moment in the South's partisan transformation: "In the South the Reagan realignment of the 1980s was a momentous achievement. By transforming the region's white electorate, Ronald Reagan's presidency made possible the Republicans' congressional breakthrough in the 1990s." Reagan both realigned the conservative voters, moving them from Democrats to Republicans, and dealigned the moderate voters, moving them from Democrats to independents, thus at least putting them in play for his party's candidates. Although Goldwater had begun the process of getting Southern whites to vote for Republican presidential candidates, it was Reagan who got them to change their party identification. Even then, the process was incomplete. Five new Southern Republican Senators elected in the 1980 Reagan landslide lost in 1986 after one term, most to moderate Democrats who assembled strong biracial coalitions.

Finally, this new pattern of voter identification—in combination with Bill Clinton's lurch leftward in 1993-94, not to mention congressional redistricting that concentrated black voters in "majority-minority districts"—produced the Republican surge of the 1990s.

When the 104th Congress convened in January 1995, "times had indeed changed radically." All three top House Republicans were conservative Southerners, while no Southerners were represented in the Democratic leadership. By 2000, 13 of 22 Southern Senators and 71 of 125 Representatives were Republican, and the Republicans' congressional control hung by the thread of their Southern dominance.

What this means is that Republicans and Democrats have now traded places. The Republicans count on a large Southern surplus to carry the day, and can prevail by winning a large-enough minority of the North. But the limits to this strategy are clear. As the Blacks demonstrate, "If the old solid Democratic South has vanished, a comparably solid Republican South has not developed. Nor"—due to the complexity of Southern society—"is one likely to emerge." This means the margin for error elsewhere is quite small.

An interesting parallel emerges from this study. Just as Republicans used to concede the Solid South and try to overcome it in the North, making themselves vulnerable to cross-regional coalitions, they now concede the black vote (which is typically 90-95 percent Democratic) and must prevail by winning 60 percent or more of the white vote. Any Democrat who can win more than 40 percent of the white vote in a Southern state is in a very strong position to win the election. This phenomenon helps to explain why Democrats (like Al Gore in 2000) have fallen into ever more dramatic spasms of demagoguery in order to maintain their 9:1 ratio among black voters. It leaves open the question of why Republicans have not more aggressively courted black voters (or a subset thereof) on grounds of interest or principle, and why blacks have allowed their own leverage to be partly wasted by their own predictability.

The answer, according to Merle and Earl Black, is that Barry Goldwater and Ronald Reagan "permanently alienated" black voters by their use of "code words" like "states' rights." They stop short of accusing Goldwater or Reagan of racism—and indeed there is voluminous evidence outside of this book that such charges are unwarranted—but the important thing for

purposes of voting behavior is the perception. Indeed, the authors argue that "Goldwater's aggressive and pugnacious Republicanism was disastrous" because it placed the Southern Republicans "squarely on the wrong side of the civil rights issue." This assessment of Goldwater's "disastrous" effect is, needless to say, contentious. It was Goldwater, after all, who served as a rallying point for the creation of an active Republican party organization in parts of the South that had not seen such a thing in living memory and who (as the authors themselves acknowledge) got many white Southerners to vote for a Republican for the first time in their lives. Nonetheless, the perceived moral fallout has bedeviled Republicans for 40 years.

On the one hand, liberal Democrats have shamelessly milked Goldwater's vote against the Civil Rights Act of 1964 for every black vote it was worth, as if the New Deal had not been built on the votes of segregationist Democrats. This old "silent compact" is the dirty little secret of modern liberalism. On the other hand, Republicans and conservatives have not necessarily come to terms with the degree to which they benefited from the anti-civil rights backlash of the 1960s. To be sure, Goldwater's commitment to strict constitutional construction, federalism, a strong defense, and anti-Communism made him a good fit with the South, even setting civil rights aside; *a fortiori* Reagan, with his conservative positions on social and moral issues. And it is notable that the great Republican surge in the South came in the 1980s and 1990s, when fundamental civil and voting rights were settled issues. But whatever made Southerners susceptible to Republican appeals, and whatever did ultimately shift them into the Republican column for the long term, it is clear that civil rights played a large role in triggering the exodus from the Democratic Party. Republicans are still carrying the burden of that fact today.

AN ACCOUNT OF HIS 2000 PRESIDENTIAL campaign, Nader's *Crash!ng the Party* actually tells several overlapping stories: the progress of his outrage at the "morphing of the Democrats," the barriers to third-party activity in America, the surprising negative reaction of many erstwhile friends to his candidacy, the "smear campaign" against Nader orchestrated by Gore in the final weeks of the campaign, and the details of the campaign itself.

Crash!ng the Party suffers from numerous weaknesses. Nader's analysis is bombastic, pedantic, smug, and often tedious. He makes little effort to write for an audience that extends beyond the left fringe of American politics. Who else could accuse the *New York Times* of conveying right-wing corporate propaganda,

could call the Brookings Institution a "conservative think-tank," and could positively refer to Huey Long, Lincoln Steffens, Henry Wallace, and Al Sharpton without a trace of ambivalence? Above all, despite all his concerns about the concentration of power in America, there is no acknowledgement that the single greatest concentration of power is in the federal government, largely due to the efforts of people like himself. No other entity—not General Motors, not Big Tobacco, not the drug companies—confiscates and spends \$2 trillion a year, produces 70,000 pages of regulations, and can seize or immobilize a person's property almost at will. Indeed, Nader is remarkably oblivious to this dilemma.

Consequently, he is more than occasionally baffled by the sight of liberalism run amok. An extensive discourse on the stifling poverty of Camden, New Jersey points out that "it wasn't always this way," but never addresses the fact that it wasn't this way until the confluence in the 1960s of welfare dependency, liberal crime policies, and a variety of other leftist social engineering schemes. Likewise, Nader fumes at the bizarre intricacies of federal campaign finance law, without ever noticing that the 1974 law was the product of the same "get money out of politics" mantra that he champions today.

The result is a set of troubling contradictions. Soaring rhetoric about the importance of community and local solutions goes hand in hand with support for almost every centralizing edict of the federal government in the last 70 years. Frequent references to Thomas Jefferson as an inspirational figure coexist with a complete renunciation of his central doctrine, that government exists for the limited Lockean purposes of preserving life, liberty, and property.

Nonetheless, Nader provides two valuable services. First, *Crash!ng the Party* is a useful primer on why third parties in America have a very hard time taking root. More importantly, Nader's acerbic indictment of the modern Democratic Party, especially the Clinton-Gore Administration, provides a glimpse into the party's tortured soul. In contrast to George W. Bush and the Republicans, whom Nader merely dismisses condescendingly, Clinton and Gore (and their allies) are at the receiving end of a more-or-less continuous reviling. Nader attacks Clinton ("the boy wonder from Arkansas") for betraying liberalism on issues including NAFTA, GATT, the WTO, "phony welfare reform," oil drilling in Alaska and Florida, several instances of tort reform, a 1997 banking bill, the "notorious Telecommunications Act of 1996," the Freedom to Farm Act, and even the increase in the federal speed limit from 55 to 65. All in all, Nader concludes, "Ever since Clinton lost his reelection run for governor of Arkansas [in 1980], it seemed he

was determined never again to lose an election by sticking to principles." Gore comes in for similar treatment. "Gore's disingenuousness had become more profound over the years, in part because he had not lost an election because of it." In short, Nader's party had "morphed" into "Republiocrats" whose goal was "protective imitation" of the conservative party.

This unrelenting criticism points to an important sub-theme, which is the tension within the Democratic Party and the subterranean hostility to Clinton-Gore among the party faithful. Nader recounts conversation after conversation with Democratic party officials and activists who privately encouraged him, confiding that they were disgusted with the Clinton Administration, though in the end they hewed to the party line. How this tension plays itself out in the future will determine the direction of the Democratic Party, now that the "boy wonder" is unhappily retired.

THESE TWO BOOKS, THOUGH SEEMINGLY disparate, are linked. The new political dynamic that the Blacks describe is arguably the very source of Nader's discontent. The relevant chain of reasoning is short: The South, while leaning Republican, is now competitive; because the South is competitive, the nation is competitive; because the South is the pivot of that national competitiveness, both parties must appeal to it more directly than before. Democrats' failure to do so in the 1980s led to three big defeats. Three big defeats at the hands of the South led to Clinton. In sum, because the South can no longer be taken for granted by Democrats, Democrats have moved to the right to maintain presidential viability. At this point, the analyses of the Blacks and of Nader converge.

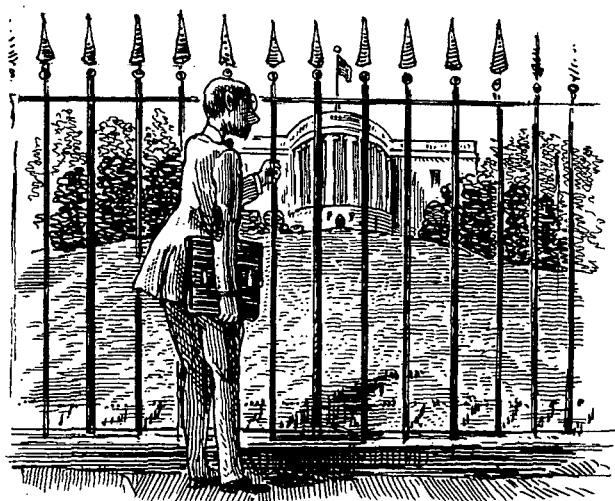
But there is a further complication. Because the solidly Democratic but conservative South is no more, both parties are more homogeneous at the congressional level than before—there has been an ideological sorting-out of the parties. Consequently, there is actually more differentiation between the parties—in other words, more intraparty unity and more interparty disagreement—in congressional roll-call voting now than there was 35 years ago. Convergence of the presidential parties has coexisted with increased polarization of the congressional parties. Thus was "triangulation" born. This is a phenomenon that Nader neither acknowledges nor explains. For invective, read Nader. For understanding, read the Blacks.

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Book Review by John J. Pitney, Jr.

THE PRESIDENT AND THE PROFESSORS

Intellectuals and the American Presidency: Philosophers, Jesters, or Technicians?
by Tevi Troy. Rowman and Littlefield, 254 pages, \$27.95



MANY A SCHOLAR IS A WOULD-BE YODA in search of a Luke Skywalker. Ever since JFK hired Arthur Schlesinger, Jr., as a court intellectual, generations of grad-school grinds have dreamed of tutoring presidents. "Never mind that vulgar whip count," the political scientist imagines himself saying. "My regression analysis shows that you can win this vote." And the fantasy president, who looks just like Martin Sheen, gratefully nods in agreement.

Intellectuals and the American Presidency is a splendid antidote for such pipe dreams. In this tightly-written book, Tevi Troy shows that the intellectual's place in the White House is usually a subordinate one. Presidents use professors for their own purposes, not the other way around.

At the outset, Troy makes a key distinction. Many Ph.D.s have held powerful posts in the White House and Cabinet, with Henry Kissinger and Lawrence Summers as two prominent examples. But such people have served their presidents as policy experts, not as "intellectuals" *per se*. When Troy refers to presidential intellectuals, he is talking about reputable scholars who try to link the president with the world of ideas.

To document their activities, Troy combed presidential libraries all over the country. This work is hard. Troy deserves our thanks for applying careful scholarship to a topic that has often spawned glib generalizations.

As he points out, FDR's "Brain Trust" was an early effort to exploit intellectuals for partisan ends. Though the brain trusters got a great deal of attention and had some impact on the 1932 campaign, Troy says, "they exerted little influence on the administration itself."

Several decades later, John Kennedy finally gave intellectuals an open door to the West Wing—or so they thought. In the early days of the 1960 presidential race, JFK set up an academic advisory committee. "Not all their material was usable and even less was actually used," Troy notes, quoting Kennedy aide Theodore Sorensen. But the committee helped draw articulate people into Kennedy's camp, which was good enough. The intellectuals wrote favorable articles and gave flattering quotes to the press. In the White House, Schlesinger helped JFK sustain this courtship. "He didn't do a helluva lot, but he was good to have around," said Robert Kennedy.

Historian Eric Goldman tried to play a similar role for Lyndon Johnson, but as Troy shows, Vietnam wrecked any chance for a link between the Pedernales and the Charles. Under Nixon, Pat Moynihan briefly rivaled Schlesinger's power and publicity, but there were limits on what he could do. The guy who caught Alger Hiss was never going to be an Ivy League favorite.

The little-remembered Ford presidency marked a turning point. Before the late 1970s, the intellectual Right had consisted mainly of a few journals and a small archipelago of conservative colleges. Now think tanks and foundations became major players. Troy shows how Ford assistant Robert Goldwin was less a liaison to the general academic community than an ambassador to the rising conservative counter-establishment. (On this point, Troy quotes some revealing correspondence between Goldwin and Harry Jaffa.)

Goldwin's tenure also marked the last time that the White House would rely on a single house intellectual. Though both Carter and

the elder Bush were bright men with scores of brighter people around them, neither cared much for academicians. And Troy perceptively sums up why Reagan did not need a goodwill ambassador. With conservatives backing him and liberals scorning him, "[b]oth sides had already made up their minds."

Clinton seduced the academy as deftly as he seduced...uh, let's not go there. Since his own Rolodex of intellectuals dated back to his days at Georgetown, Oxford, and Yale, he could do his own courting. Henchman Sidney Blumenthal served as social secretary, waltzing professors and writers into the White House for meetings with Clinton. Most left dazed and giddy. The payoff came when they gladly defended him against charges of perjury and sexual harassment. Troy writes: "The unyielding support of the liberal intellectual establishment during the Lewinsky crisis helped him keep his presidency."

TROY TOUCHES ONLY BRIEFLY ON THE current administration, noting that its most prominent intellectual was John J. DiIulio, the political scientist who headed the Office of Faith-Based and Community Initiatives. Since the book's publication, the reasons for DiIulio's short tenure have become clearer. In *Esquire* magazine, he told journalist Ron Suskind of his frustrations with the "Mayberry Machiavellis," the political types who lead the White House staff. Acknowledging that aides handled electoral politics with skill, DiIulio fumed at the quality of internal policy debate. Of the head of the Domestic Policy Council, he said: "What she knows about domestic policy could fit in a thimble."

Welcome to Washington, Professor DiIulio. Similar thoughts have occurred to nearly every Ph.D. who has ever served on a policy staff, including yours truly. If he thinks that the Bush Administration is unique in this regard, he should read Troy's analysis of how Dick Morris drove Clinton. "With Morris in the picture," Troy writes, "everything took a backseat to his polls."

Complaining about politics in the West Wing is like complaining about speeding at the Indy 500. That was DiIulio's first mistake. His second, as the Suskind article suggests, was refusing to make nice with conservative evangelicals. "The souls of my dead Italian grandparents are crying out to me," he explained. He forgot that dead grandparents don't vote. Living evangelicals do. Moynihan, by contrast, was much smarter in courting Republican constituencies.

DiIulio's third mistake was failing to see the limits of his own position. In *The Right Man*, a memoir of the first months of the Bush Administration, former speechwriter David Frum says that DiIulio quit in a huff when he finally figured out that Karl Rove was making key decisions on the faith-based initiative.

Even aside from his bruised ego, Italian-Catholic cultural roots, and Democratic voter

registration, DiIulio was bound to feel out of place. Frum says that the Bush White House has plenty of bright people but few with vocal enthusiasm for the world of ideas. "Conspicuous intelligence seemed actively unwelcome in the Bush White House," writes Frum. Former message czarina Karen Hughes "rarely read books and distrusted people who did—anything she did not already know she saw no point in knowing."

Like DiIulio, Frum may be venting the pain of thwarted ambition: Hughes often rewrote his prose. But suppose he's right. Does it matter? Hoover, Carter, and Clinton were all smarter in the S.A.T. sense than Roosevelt, Reagan, and George W. Bush—and all were lesser statesmen than their successors. At the staff level, White House intellectuals have done some good, but as Troy reminds us, they have also caused mischief. Eric Goldman staged an arts festival for LBJ, which became a fiasco when invitees attacked the Vietnam War.

Imagine that Bush tried to fill the "conspicuous intelligence" gap by naming a great mind as his goodwill ambassador to academia. First, Leno and Letterman would mine weeks of material from "Bush's hired brain." Second, universities would react with cold shoulders and closed doors, since they are even more hostile to conservatives

than in the Reagan years. Third, conservative intellectuals would complain that the ambassador was not doing enough. (Face it, fellow members of the vast right-wing conspiracy: we're awfully hard to please.) Fourth, White House staffers would keep the ambassador away from the Oval Office. Fifth, the ambassador would quit in disgust, and write a tell-all book.

It's hard to see how Bush would come out ahead.

Yet even if an "intellectual ambassador" is a bad idea, Bush could benefit from staffers who know the world of ideas. For one thing, they could supply the vigorous internal debate that DiIulio found lacking. For another, they could serve as a distant early warning system. The mainstream academic community will supply Bush's foes with policy ideas and lines of political attack. Clues to the other side's strategy could well lie in some of the books that Karen Hughes purportedly disdained.

Aspiring White House aides should know about the services they could render, as well as the severe limitations of their role. They may find their own clues in Tevi Troy's excellent study.

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Essay by Harry V. Jaffa

AMERICAN CONSERVATISM AND THE PRESENT CRISIS

ROGER SCRUTON, WRITING IN THE *Wall Street Journal* last December, declared that "September 11 was a wake up call through which liberals have managed to go on dreaming. American conservatives ought to seize the opportunity to utter those difficult truths which have been censored out of recent debate: truths about national loyalty, about common culture, and about the duties of citizenship."

In the more than 200 years of our history, the most difficult of all truths, and the one most often and most profoundly subject to censure or misinterpretation, is that beginning, "We hold these truths to be self-evident...." In 1860-61, 11 states justified "secession" from the Union, and forming a separate government, on the ground that they were exercising the right, as set forth in the Declaration of Independence, to withdraw their consent to be governed. Yet the secessionists denied categorically the assertion of the universal equality of human rights in the same Declaration

of Independence, which was the moral and logically necessary ground of consent. The doctrine of states' rights—central to much of American conservatism in the 20th century—has from the beginning divorced political right from the equal natural rights of individual human beings, under "the laws of nature and of nature's God." This was the principal ground of difference in the struggles against Jim Crow and for civil rights. Today, in the controversy over "affirmative action" in its many guises and embodiments we find the former leaders in the movement for civil rights—amazingly and paradoxically—demanding rewards and privileges, not as individuals but on the basis of their collective racial or ethnic identities. And we find conservatives (or at least some of them) on the other side—no less paradoxically—opposing affirmative action as contrary to the individual rights proclaimed in the Declaration! Clearly, precision concerning the real meaning of the Declaration of Inde-

pendence, and its bearing on the institutions of government (especially the Constitution), is the most urgent order of business for us.

For perspective on our present situation, consider another *Wall Street Journal* editorial page essay, published in 1976 to celebrate the 200th anniversary of Independence. It is entitled "The Meaning of the Declaration," and its author is George Carey, professor of government at Georgetown University and co-author, with the late Willmoore Kendall, of *Basic Symbols of the American Political Tradition*. The most notable feature of *Basic Symbols* was the contention that Lincoln at Gettysburg had "derailed" the American political tradition by assigning to the proposition "that all men are created equal," a meaning and importance that it did not have in 1776, or at any time in the "four score and seven years" thereafter. The most notable feature of Carey's bicentennial commentary in the *Journal* was his attempt to say what was the original historical meaning of

the Declaration, the meaning it possessed before Lincoln's intervention. The "most likely meaning" of "all men are created equal," Carey argued, "is simply that all men or people who have identified themselves as one—as being a society of kindred souls, common values, and aspirations—are equal to all other peoples who have likewise identified themselves." Hence the Declaration was not one of individual rights, among them the rights to life and liberty, rights with which every human soul was equally endowed by his Creator. It was instead one of "community independence," with the status of individual rights within any community depending entirely upon the positive law of that community. Here is the origin of states' rights, as it came to be known in the defense, first of slavery, and then of segregation. But this interpretation did not originate with Carey or Kendall. It is to be found in the antebellum speeches of Jefferson Davis.

It is unlikely that the editors of the *Wall Street Journal* knew anything of the historical provenance of Carey's rendition of the meaning of the Declaration. They probably relied upon the fact that he was a respected professor at a leading university who represented "objective" scholarship. Little did they know how partisan such scholarship could be, and how much of it was the Civil War continued by other means. Little did they know how victorious in this latter-day war had been the cause of John C. Calhoun and of Jefferson Davis, and how little success had attended the legacy of Abraham Lincoln.

Consider now the unhappy fate of Senator Trent Lott, who saluted Senator Strom Thurmond on his 100th birthday by saying that the country would have been better served by his election as president in 1948, than by the election of Harry Truman. Senator Thurmond in that year was the Dixiecrat candidate, representing the rebellion of the Jim Crow South against the first stirrings of the civil rights movement, in which President Truman had taken the lead, by desegregating the armed services. Senator Lott has, we might say, eaten crow for these remarks, and apologized profusely for having made them—but his apologies were not sufficient to save his position as majority leader of the Senate.

In 1984, Senator Lott, in a speech to the Sons of Confederate Veterans in Biloxi, Mississippi, declared that "The spirit of Jefferson Davis lives in the Republican platform." The spirit of Jefferson Davis alive in the platform of the party of Lincoln? Senator Lott is a run-of-the-mill politician, who runs easily at the mouth, and says what he thinks his immediate audience wants to hear, forgetting that there are other audiences overhearing him. He is also a symptom of an intellectual environment alienated from the principles of the Declaration of Independence.

His contrition was less a dictate of conscience than of circumstance. He apologized because he was told he had to apologize: he never seemed to realize why what he had said was *wrong*.

HOW THE FOUNDING PRINCIPLES OF this nation have been "censored out of recent debate" may be better understood from the argument in recent years between liberals and conservatives on how the Constitution is to be interpreted. Liberals, by and large, do not respect the original Constitution, in part because of the guarantees of slavery therein, but more profoundly because of their belief in Progress. In their view, the original Constitution reflects the defective moral consciousness of an earlier age, and should today be understood in the light of the higher stage to which moral understanding has now evolved. The conservatives, on the other hand, believe that the sovereignty—or ultimate authority—of the American people is embodied in their Constitution, and in the laws made pursuant thereof. Not only judges but all branches of government ought to interpret the Constitution in the light of the original intent of those who framed and ratified it. Until the people, in the exercise of their sovereignty, change the Constitution, the private consciences of judges or other office holders—or individual citizens—have no standing.

The liberals call their progressive, evolving Constitution, a "living Constitution." The conservative argument against it is to be found, most concisely and famously, in Chief Justice Rehnquist's classic essay on "The Notion of a Living Constitution." Those who would read their own, allegedly advanced opinions, into law, he says,

ignore...the nature of political value judgments in a democratic society. If such a society adopts a constitution and incorporates in that constitution safeguards for individual liberty, these safeguards do indeed take on a generalized moral rightness or goodness. They assume a general social acceptance neither because of any intrinsic worth nor because of any unique origins in someone's idea of natural justice but instead simply because they have been incorporated in a constitution by a people.

Rehnquist accepts, without reflection or doubt, the idea that moral judgments—including the moral judgments upon which constitutional government rests—are "value judgments." This idea had its origin in Nietzsche, and became commonplace in American social science through the influence of Max Weber. It holds that there are no rational means by which any moral judgment, no matter how conscientious,

can be proved to be superior to any other. It means that all moral judgments are arbitrary, and that there is no inherent reason for choosing the American constitution over a Nazi, Communist, Ku Klux Klan, or cannibal constitution. This understanding of moral and legal phenomena did not exist in the American mind at the time of the founding. It is as much a "progressive" belief as anything in the liberals' "living constitution."

The non-rational character of Rehnquist's position is reflected in the assertion that the safeguards for individual liberty do not possess "any intrinsic worth." Such worth implies rational discrimination, or knowing truth from falsehood, right from wrong, good from bad. From Rehnquist's perspective, neither individual liberty, nor individual life, possesses intrinsic worth, at least so far as human reason can tell. This is light-years removed from "We hold these truths to be self-evident..." and from the Declaration of Independence's denunciation of the evils of tyranny and despotism. It is light-years removed from the rights with which we have been endowed by our Creator, and from the Constitution designed to secure these rights.

The original Constitution together with the first 10 amendments has many "safeguards for individual liberty." But it also has safeguards for slavery, most conspicuously in the fugitive slave clause. The safeguards for liberty and the safeguards for slavery were incorporated into the same Constitution by the same people. To Lincoln, the safeguards for slavery were compromises with evil, necessary to secure the ratification of the Constitution. As such they were lesser evils than any possible alternative. On Rehnquist's premises, the safeguards for slavery took on the identical moral rightness or goodness as the safeguards for liberty. That the safeguards for slavery possessed the same moral standing as any other provisions of the Constitution, was the contention of the seceding states in 1860 and 1861. That slavery was denounced as immoral by Lincoln and the Republican Party was, they held, a denial of the moral understanding that formed the Constitution. Rehnquist's premises underlie, perhaps to his chagrin but apparently not Trent Lott's, Jefferson Davis's justification of secession and disunion. Here is the darkest of the difficult truths that have been censored out of recent debate.

Examples of such un-republican, not to mention un-Republican, sentiments coming from conservative heroes could be multiplied. For instance, addressing the Gregorian Institute in Rome in 1996, Justice Antonin Scalia commented:

It seems to me incompatible with democratic theory that it is good and right for the state to do something that the majority of the people do not want done. Once you adopt demo-

cratic theory, it seems to me, you accept that proposition. If the people do not want it, the state should be able to prohibit it.

And again:

The whole theory of democracy...is that the majority rules; that is the whole theory of it. You protect minorities only because the majority determines that there are certain minority positions that deserve protection.

And again:

You either agree with democratic theory or you do not. But you cannot have democratic theory and then say, but what about the minority? The minority loses, except to the extent that the majority, in its document of government, has agreed to accord the minority rights.

Saddam Hussein recently held an election in which he received over 99% of the vote. Does

that make him democratically elected? Does that make his regime any less tyrannical? Strictly speaking, what we call minority rights are not rights of the minority as such. They are rights of individuals, possessed equally by all. It is to secure these rights—the rights of man under the laws of nature and of nature's God—that governments are instituted, deriving their just powers from the consent of the governed. Government, and majority rule, extend only to these "just powers." Adoption by a majority does not make an unjust power just, e.g., the taking of private property without just compensation, the extension of slavery, the waging of aggressive war. Majority rule, in itself, is not a justification of anything. It may be called democratic only within a process in which there is free exercise of religion, freedom of speech, of the press, and of association. The ends served by majority rule are not decided by majority rule.

Scalia says that it is up to the majority to decide whether or not abortion should be lawful. One could substitute the word "slavery" for "abortion" to see that there is no difference between Scalia's majoritarianism and the "popular sover-

eignty" doctrine of Senator Stephen A. Douglas, in his debates with Abraham Lincoln in 1858. But Lincoln thought that slavery was wrong, and that it was condemned by the principle of human equality. He did not think that a vote of the people could make it right.

These three examples display the alarming intellectual weakness, forgetfulness, and even unfaithfulness that underlie American conservatism's political success. The examples show clearly that modern conservatism suffers from the same nihilism and postmodernism that dominate liberalism and that suppress dissent on our campuses. If conservatism is not to become a mirror-image of decadent liberalism, we have to return the movement to its roots in the political thought and actions of the American Founders and Abraham Lincoln. Nothing is at stake but the soul of the American Revolution, and the salvation of Western civilization.

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Book Review by James R. Stoner

THE GENTEEL ABOLITIONIST

Natural Rights and the Right to Choose, by Hadley Arkes.
Cambridge University Press, 288 pages, \$28

WHO OF CONSERVATIVE TEMPER CAN bear the abolitionists of old? I'm not talking about Frederick Douglass, who could speak of slavery and liberation from personal experience and who understood the relation between principle and politics as well as any man of his generation. No, I have in mind William Lloyd Garrison and others whose fervor for abolition was tempered neither by sympathy for the South's predicament nor by respect for the Constitution. "No Compromise with Slavery" and "No Union with Slaveholders" were his mottos, immediate uncompensated emancipation was his program, and the refusal to shake hands with slave-owners was his style. Garrison was convinced that the South would surrender to abolition if the North dissolved the Union and thus withdrew its implicit commitment to suppress slave rebellion. Whether Garrisonian abolitionism hastened the day of emancipation or fueled Southern intransigence remains debatable among historians, though modern-day

social reformers are eager to claim his legacy.

In retrospect and maybe even at the time, part of what is irksome about the Garrisonians is that they had the principle right: that in the context of an economy that could avoid universal squalor without servitude, chattel slavery is a violation of natural rights and so is morally wrong. Few of us want to be preached at, unless the topic is our neighbors' sins, and fewer still find anything attractive in hearing a truth that tells against our deepest interests or forces us to readjust a conscience fully formed. How to present unwelcome truth in a way that leads a substantial number of men and women to change how they act, how they vote, and what they uphold as law is a task worthy of a great statesman in a democracy. Readers of the *Claremont Review of Books* will hardly be surprised if I suggest not Garrison but Abraham Lincoln as such a figure, and even he succeeded more in clarifying the moral purpose and political thinking of those who agreed with him than in persuading slavery's supporters to

abandon it as wrong.

Hadley Arkes, the Edward N. Ney Professor of Jurisprudence and American Institutions at Amherst College, is a modern-day abolitionist who esteems Lincoln rather than Garrison, and who labors to bring unwelcome truth to the attention of powerful people in political and academic life. With compelling logic and disarming humor, in a series of books published since 1986, and in his steady involvement with leading pro-life lobbyists and legislators, he has argued that abortion is the intentional killing of a human being, that its enshrinement as a constitutional right contradicts and thus undermines the natural-rights basis of the American republic, and that a way must be found to put the practice of abortion in the course of ultimate extinction. His stance on abortion itself is uncompromising, but it is based on a careful consideration of biological evidence about the earliest stages of human development and a clear grasp of the logic of natural law. Abortion is a clear moral evil

because at every stage it involves the destruction of what can be known biologically to be human life and because the right to life of the individual human being is a moral absolute, or at least a right that can be forfeited only by a conscious evil act of the living agent himself. But if Arkes is unequivocal in recognizing the evil of abortion, he has learned from Lincoln that constitutional government requires practical compromise, even in the presence of moral evil. Like Lincoln, he refuses to allow the evil to be enshrined as a constitutional principle, but he likewise refuses to make its eradication an immediate constitutional necessity. Lincoln taught abolitionists to respect the Constitution even when it seemed to protect the evil they hated, and he showed them how to use the Constitution to achieve, in the long run, the good they sought. More precisely, he showed them that the good they sought was already implicit in the Constitution's deepest principles, and thus could be achieved finally only by constitutional means.

NATURAL RIGHTS AND THE RIGHT TO Choose is Arkes's most recent book. It is partly a restatement of his argument in *First Things* (Princeton University Press, 1986) and *Beyond the Constitution* (Princeton University Press, 1990), partly an account of abortion jurisprudence and politics since those books were published, and partly a memoir of his own role in the debate. In a remarkable twist of fate, the memoir's *dénouement*, as it were, occurred while the book was in press. No small part of Arkes's story concerns the "modest first step" in the campaign to restore legal protection for unborn human life that he proposed in the late 1980s and early '90s, a statute that would protect the right to life of a child who survived an abortion. (There actually are a few who have lived to tell the tale, and nurses testify of others born alive and left to die.) Arkes's proposal was originally rejected by pro-life lobbyists in favor of legislation to ban "partial-birth abortion," which President Clinton vetoed several times and the Supreme Court also frowned on, and little progress had been made on his legislation when the book went to press last June. Then, unexpectedly, in July and early August, as if to put the lie to the pessimistic mood of the book's conclusion (and to vindicate the publisher's insistence on abandoning the author's original title, *The Genteel Treason of the Political Class*), both houses of Congress unanimously passed, and President Bush signed into law, the Born-Alive Infants Protection Act. Professor Arkes was not only invited to the signing ceremony but was saluted as the act's progenitor.

The charge of treason may have been dropped from the title, but it is key to his argument and indicative of his seriousness. This is not consti-

tutional treason, which requires an overt act of war and a second witness, but a betrayal by some of America's most prominent citizens—especially federal judges and lawyers and law professors—of the Constitution and the laws, of American democracy, of nature, of reason itself. A big charge, but Arkes carefully builds his case, drawing always on the precedent of Lincoln in his confrontation with the slave power, or more precisely, on the analysis of Lincoln's words and deeds developed by Harry V. Jaffa, especially in his "magisterial book," *Crisis of the House Divided*.

Between slavery and abortion, according to Arkes, there is not merely an analogy but an almost perfect repetition. The legal personhood of human beings is denied by an elite who perceive their own interest as incompatible with equality. Nature is ignored and the law is distorted. Democracy grows corrupt, as rights are re-defined as the positive gift of political power rather than the intrinsic endowment of human nature. Finally, reason itself seems disarmed before a wall of prejudice and interest, as otherwise reasonable people argue themselves into positions that contradict the principles of the Declaration of Independence.

Like Jaffa's Lincoln, Arkes proceeds with confident, calm rationality to dismantle the assumptions of his opponents, and he likewise takes as his touchstone the way of thinking of the American Founders. American government was founded on a revolutionary principle, Arkes explains, that human beings have rights intrinsic to their humanity which governments are bound to respect. Because human beings are rational agents, government can arise legitimately only with their consent, and the political processes of constitutional government are designed to facilitate the intelligent exercise of that consent. Even with consent of constitutional authorities, however, those original, natural rights cannot be removed without undermining the basis of consent. But so important is consent or self-government that the repair of a breach must also be made in such a way as not to further undermine the processes of consent. This is all put quite abstractly, but Arkes develops his case with historical detail, lively anecdote, personal experience, and a gripping narrative. How can any rights be inviolable if the definition of who counts as having rights is wax in the hands of the dominant social power?

ABORTION IS AT THE CORE OF ARKES'S argument, but he speaks to the whole of constitutional government, and his criticisms extend not only to his partisan opponents but to his misguided friends. The deep-seated relativism that made possible the Court's opinion in *Roe v. Wade*, Arkes holds, was prepared by judicial doctrines concerning freedom of

expression, especially the notion that regulation of speech must be "content neutral," and judges such as John Marshall Harlan the younger and Antonin Scalia, often thought the most conservative of their eras, in fact played a major role in writing relativism into law. In a nuanced chapter on "the axioms of the Constitution," Arkes shows how it is an aberration in our constitutional tradition to treat the Supreme Court as having the final say on matters of constitutional principle. At the same time, he suggests how a pro-life Court in 1970 might have protected the right to life against liberalized abortion statutes without closing down public debate. For all his admiration and praise of the founders, Arkes is no rigid originalist; once the federal courts have nationalized the question of abortion, there is no simple turning back to state legislation without the other branches of the federal government weighing in to correct the judiciary's mistakes.

The implication of the "modest first step" that Arkes proposes is not a pro-life Court that would promulgate a pro-life *Roe* next term (though he does not rule this out as an eventual possibility), but the resumption of public debate on issues of first importance. He means public debate culminating in the making of law, not debate in law school journals, culminating only in the next judicial fiat. If there is pessimism in his account of the extent to which the political class has lost its stomach for such debate, acquiescing in the rule of a highly educated elite, there is optimism in his view that "once the conversation is opened, it will set off its own dynamic, and that dynamic will work in the direction of expanding the protections for unborn children"—and of restoring vitality to republican government itself.

IN THE SPIRIT OF THAT DEBATE, LET ME fire a few shots across the bow. The first is philosophical. Whereas Arkes conflates natural law and natural rights, Leo Strauss ("Jaffa's teacher [and mine]," says Arkes) famously distinguished them: In classical political philosophy, natural right was the claim of the wise to rule, while in the Stoics and especially the Christian medievals, natural law developed as a doctrine of universal moral duty under the wing of divine providence. Modern natural rights theory rejects both the claim of the wise and the priority of duty, beginning instead from the right of each individual to pursue his own interest and to be the judge of what that is. To put the problem another way: though Arkes endorses the famous Socratic adage that "the unexamined life is not worth living," the thought that someone might judge another's life not worth living is precisely what he insists American law must not allow. Missing in Arkes's account is the irony in Herbert Storing's superb essay on slav-

ery and the Constitution, when Storing wonders whether the emphasis on property rights and self-interest in American thinking might not have blinded some Americans to the moral wrong of holding property in another. Missing, too, is the equivalent of Jaffa's stunning "case for [Stephen] Douglas," better than that made by Douglas's own apologists, which at once deepens and exalts the case for Lincoln.

Arkes appeals throughout to the authority of Aristotle, especially for his notion of the educative function of the law and the moral character of the regime, but on both the question of slavery and the question of abortion Aristotle is, to put it charitably, an unreliable ally. In one passage, Arkes says of Kant's statement tracing "the whole of ethics" to "the general concept of the rational being as such" that it "should be set down in all the primers," but Kant would sharply distinguish his moral metaphysic from any account of nature—unlike Arkes, who relies on the evidence of biology in his attack on abortion. It's probably no accident that liberal defenders of an absolute abortion right, like John Rawls, invoke Kant. My point in all this is not that Arkes is mistaken in his principles—indeed, I find them especially attractive—but rather that there are questions of the first order that need addressing next time.

MY SECOND QUESTION CONCERNS Arkes's account of political and constitutional history, and the place of tradition in constitutional law. Arkes makes a compelling case that, especially in recent abortion cases, members of the federal judiciary have worked out the perverse logic of their commitment to the rights of sexual liberation, and he suggests, persuasively, that the courts would never have undertaken to reform American sexuality without the mantle of heroism earned for breaking the political logjam on segregation. But he also knows that it was neither sex nor heroic ambition that first broke the hold of natural law in judicial reasoning. The essays and opinions of Oliver Wendell Holmes, Jr., who had fought at Antietam, made moral relativism and legal realism the coin of sophisticated legal analysis a century ago, and the demise of free-market natural-lawyering in the face of the New Deal is well known to our author. Arkes's defense of pre- or anti-New Deal jurisprudence in *The Return of George Sutherland* (Princeton University Press, 1994) helped restore the good name of an important jurist, but perhaps also saddled the pro-life position with a lost cause. Is it possible that both Holmes and Sutherland reflected an ambition for too much theory in the law, displaying too sophisticated an intellectual

consistency and too little respect for the variegated complexity of human life embodied in the older common law?

Finally, in the public debate over abortion, is the language of natural rights sufficient? Granted the force of Arkes's argument against those who license abortion, might not a true and firm commitment to unborn life in the hearts of citizens demand a love of the child, a wonder at human development, and an openness to the ways of providence that the theory of natural rights can neither command nor explain?

But such questions should not and cannot obscure Hadley Arkes's luminous achievement. The "right to choose" has come to mean that moral questions will be settled in the spirit of consumer choice or personal whim. That they become again matter for reasoned public debate and common action is the aim of this humane and humanizing book, however unwelcome the truths it tells.

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Book Review by Glenn Ellmers

THE CLONE WARS

The Future is Now: America Confronts the New Genetics, edited by William Kristol and Eric Cohen.
Rowman & Littlefield, 355 pages, \$19.95

KRISTOL AND COHEN HAVE COLLECTED 60 speeches, essays, op-eds, and other writings that engage the most pressing questions concerning the moral and political implications of modern biotechnology. The opening excerpt from Aldous Huxley's *Brave New World*, along with a handful of older essays from the 1930s through the 1970s, give the subject historical perspective. Most of the selections are in response to recent scientific breakthroughs, such as the cloning in 1997 of Dolly the sheep, which sparked intense public debate.

Cloning, eugenics, gene therapy, stem cell research, and related subjects are all examined, with a nice range of moral, political, theological, and philosophical perspectives. The general reader gets an adequate understanding of the

technological developments without being overwhelmed by jargon.

A heavy dose of congressional testimony looks off-putting in the table of contents, but the editors have excised mere chest-thumping so that these excerpts usually run no more than a few pages. Greater space is given to serious magazine and journal essays—the most thoughtful by Leon Kass, Adam Wolfson, and Gilbert Meilaender. The substantive entries lean toward those advising a moratorium, or at least a prudent pause, in further research and experiments, which is neither surprising nor unfair. Caution always has more to say than heedless "progress."

The book has the virtue of comprehensiveness, with the corresponding vice of some re-

petitiveness; there is likely too much here for the general reader to plow through cover to cover. But it is the kind of book one peruses and consults with profit. Morally serious people will be grateful to have this collection on hand as America faces the challenge nicely stated in the editors' closing reflections:

"Every people and every generation should have the freedom to govern itself by reflection and choice—but to do so without the hubristic belief that self-government means perfect government, or that a nation of self-made men means creating a post-human civilization of man-made selves."

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Book Review by Catherine Zuckert

POETIC JUSTICE

Battle-Pieces and Aspects of the War: Civil War Poems, by Herman Melville,
edited by Richard H. Cox and Paul M. Dowling. Prometheus Books, 365 pages, \$13



IN 1866 HERMAN MELVILLE PUBLISHED HIS first book of poetry, *Battle-Pieces and Aspects of the War*. It did not receive a warm reception. Although the *New York Herald* praised his call for reconciliation, most reviewers decried Melville's failure to celebrate the just victory of the North. No one praised the beauty of his poetry. "His sense of melody is deficient," the reviewer for the *Round Table* observed, "while some of his rhymes are positively barbarous." In their new edition, Richard H. Cox and Paul M. Dowling try to correct this historical injustice—on both counts. In addition to Melville's own preface, poems, notes, and concluding prose "supplement," they include two previously published essays by Helen Vendler and Rosanna Warren, arguing for the literary excellence of Melville's poems. Cox and Dowling themselves contribute original essays intended to bring out the depth, wisdom, and moderation of Melville's politics.

Melville had no doubt about the justice of the Northern cause. In "Inscription," he writes:

We here who warred for Man and Right
The choice of warring never laid with us.
There we were ruled by the traitor's
choice.

Nevertheless, he entitles the first of the poems listed in his table of contents, "Misgivings." And in this poem, he states:

I muse upon my country's ills—
The tempest bursting from the waste of
Time—
On the world's fairest hope linked with
man's foulest crime.

In "The Conflict of Convictions" that follows,

he wonders, moreover, about the efficacy of political action. Both God and nature appear to resist mortals' puny efforts to right the order of things.

Power unanointed may come—
Dominion (unsought by the free)....

But the Founders' dream shall flee.
Age after age shall be
As age after age has been.
(From man's changeless heart their way
they win);
And death be busy with all who strive—.

Yet Melville concludes his "Battle-Pieces" with a paean to "America" and the conclusion of the war:

But from the trance she sudden broke—
The trance, or death into promoted life;
At her feet a shivered yoke,
And in her aspect turned to heaven
No trace of passion or of strife—
A clear calm look. It spake of pain,
But such as purifies from stain—
Sharp pangs that never come again—
And triumph repressed by knowledge
meet,
Power dedicate, and hope grown wise,
And youth matured for age's seat—
Law on her brow and empire in her eyes.

America had emerged—or at least could emerge—from the holocaust stronger and better. The outcome would depend not simply or even primarily on the lessons politicians drew from the harsh experience. As Melville makes clear in his prose supplement, the effect of the

war would depend primarily on the way the people felt about it. His poems are intended, it seems, primarily to shape those feelings. If the American people recognized the depth of suffering on both sides, and their fundamental family relation, the Union could and would be reconstituted on a firmer foundation. If, however, Northerners insisted on punishing the white Southerners, even for the sake of helping the newly freed blacks, the result would be not merely resentment and hatred but something like continuing guerilla warfare. To his "Battle-Pieces" and "Verses Inscriptive and Memorial," Cox and Dowling point out, Melville thus added a long poem concerning the actions of Southern guerillas against the North; an imagined speech by Robert E. Lee to the U.S. Senate in which the defeated general urges the representatives of the North to respect the honor and sufferings of the South; and "A Meditation: Attributed to a Northerner after Attending the Last of Two Funerals from the Same Homestead—Those of a National and a Confederate Officer (Brothers), His Kinsmen, Who Had Died from the Effects of Wounds Received in the Closing Battles." Urging forgiveness, though not forgetfulness, the poet writes:

Mark the great Captains on both sides,
The soldiers with the broad renown—
They all were messmates on the Hudson's
marge....

If men for new agreement yearn,
Then old upbraiding best forbear:
"The South's the sinner!" Well, so let it be;
But shall the North sin worse, and stand
the Pharisee?

Just as the wideranging reflections of the narrator Ishmael are tied together in Melville's masterpiece by the hunt for the white whale, so the "Battle-Pieces" are organized around the chronology of the war. This reader wishes, indeed, that the editors had extended their excellent critical framework to provide brief annotations concerning the location, outcomes, and broader effects of the battles to which the poet refers. In 1866 the names of these battles would have had immediate, powerful connotations for most of Melville's readers. That is, sadly, no longer true. Such editorial notes would have been extremely useful, because Melville's poems describe or evoke the feelings and reflections, the understandings and misunderstandings, the uncertainty, suspense, and anxiety, the despair and the reviving hopes of both participants and observers—but not the events themselves or their sequence. As any reader of Melville's prose works would expect, the perspectives are multiple and somewhat conflicting.

THERE IS, HOWEVER, A CENTRAL THEME which links the poems more tightly than the loose chronological thread. As in *Moby Dick*, so in the "Battle-Pieces" we see that neither force nor right suffices to institute or re-institute order among men. Our passion for justice tends, unfortunately, to degenerate into destructive vindictiveness. Melville begins his "pieces" by emphasizing the innocence of the young that induces them to march blithely into battle in search of glory. So in "The March into Virginia, Ending in the First Manassas" (a disaster for the North), the poet observes,

To every just or larger end,
Whence should come the trust and
cheer?
Youth must its ignorant impulse lend—
Age finds place in the rear.
All wars are boyish, and are fought by boys

These "boys" soon find that they reap death rather than glory. Leaders like General Lyon know what to expect from impersonal, industrialized warfare better than their young recruits, but neither a modern general nor his men fight

for individual fame or glory. Melville is willing to praise generals on both sides—Stonewall Jackson as well as McClellan and Grant—but his praise is always muted. The human cost of victory, much less defeat, is simply too great.

As the poet reminds his readers in "Malvern Hill," nature is indifferent; and God's support even for the right is too uncertain. As in his novels, so in his poems Melville thus urges men to look to the sympathy of their fellow-sufferers:

Nothing can lift the heart of man
Like manhood in a fellow-man.
The thought of heaven's great King afar
But humbles—us—too weak to scan;
But manly greatness men can span,
And feel the bonds that draw.

Thus, in one of his "verses inscriptive and memorial," "On Sherman's Men Who Fell in the Assault of Kenesaw Mountain, Georgia," the poet suggests that there is a democratic form of glory, attributable to common people acting in common, that he himself is providing.

They said that Fame her clarion dropped
Because great deeds were done no more...

But battle can heroes and bards restore.
Nay, look at Kenesaw:
Perils the mailed ones never knew
Are lightly braved by the ragged coats of
blue,
And gentler hearts are bared to deadlier
war.

Heroism is not the preserve of ancient warriors or medieval knights. It can be—has been—democratized.

Cox and Dowling argue that by urging a policy of reconciliation, even at the cost of delaying the freedmen's recognition as full and equal citizens, Melville reaffirmed Lincoln's policy that the people should act "with malice toward none...and charity for all." Although slavery was at the root of the conflict, according to both President and poet, both recognized that many Southerners had fought not for the peculiar institution but for rights they thought granted by the

Constitution—or simply for hearth and home. Lincoln did not live to pursue his policy. Melville thought Lincoln's death at the hands of vengeful Southerners would bring down, in turn, Northern revenge on them. In a poem entitled "The Martyr," the poet observes,

Good Friday was the day
Of the prodigy and crime,
When they killed him in his pity...
The father in his face.

Melville does not suggest that Lincoln will become the political equivalent of the Savior, however. On the contrary:

They have killed...the Forgiver—
The Avenger takes his place.

The "passion" to which the poet points is, moreover, not that of the "martyr" who suffers out of love, but the indignant anger of the people. Twice he repeats the refrain:

But the People in their weeping
Bare the iron hand:
Beware the People weeping
When they bare the iron hand.

For all his celebration of human sympathy in the face of death and suffering, Melville was not optimistic about the war's outcome or the possibility of achieving mutual respect, much less restored fraternity. He did not, in other words, seem to believe that his own writings would have much immediate popular effect. Cox and Dowling should be praised for making Melville's long-neglected Civil War poems easily available in a paperback edition. What's more, their supple, suggestive interpretive essays provoke readers to ponder not merely Melville's work but also and more broadly the effect poetry can have on politics.

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JOURNALISM WITH A HAMMER

The Skeptic: A Life of H.L. Mencken, by Terry Teachout.
HarperCollins Publishers, 432 pages, \$29.95



IF H.L. MENCKEN (1880-1956) IS KNOWN widely today, it is probably for coining the term "Bible Belt," or possibly for originating the oft-misquoted adage, "No one...has ever lost money underestimating the intelligence of the great masses of the plain people." He said much more than that, equally memorable, often hilariously so. By Mencken's own estimate, his published writings ran "well beyond 5,000,000 words," and his unpublished work and correspondence accounted for several hundred thousand more. He was first and foremost a journalist—arguably the greatest journalist of the 20th century. In his heyday in the 1920s, he was, in Walter Lippmann's words, "the most powerful personal influence on this whole generation of educated people." The leftist literary critic Edmund Wilson, writing in *The New Republic*, called Mencken "the civilized consciousness of America...realizing the grossness of its manners and mind and crying out in horror and chagrin."

For nearly 40 years, Mencken was a towering figure on the American scene. He was the scourge of *boobus Americanus*, nemesis of "bureaucrats, policemen, wowsers, snouters, smellers, uplifters, lawyers, bishops, and all other sworn enemies of the free man." Nearly a half-century after his death, he still has a devoted, if diminished, following.

Yet if Mencken is no longer the titan he once was, his presence is still very much felt. Many writers aspire to write like him; all have failed. No pundit working today approaches his style, let alone his influence. He continues to disturb the peace—for reasons that might surprise him, but that would undoubtedly "please his ghost." In particular, he continues to fascinate biographers and scholars. Every few years, it seems, a new Mencken study comes out. Interest rekindled with the publication of his diary in 1989, and its widely publicized and controversial revelations of anti-Semitism, and again a few years later when his two multi-volume memoirs, *My Life as Author and Editor* and *Thirty-five Years of Newspaper Work*,

finally became available to researchers.

Terry Teachout's important new biography, *The Skeptic*, is not the first to use the new material. That honor belongs to Fred Hobson's 1994 tome, *Mencken: A Life*, which makes up in detail what it lacks in style. Teachout himself describes his book, which took more than a decade to write, as a "partial portrait." Partial perhaps, but candid, too. Teachout, the gifted music critic of *Commentary* and a long-time conservative journalist, manages to bring fresh perspective to a figure whose political thought has been largely misconstrued or explained away by previous biographers. Teachout actually takes Mencken's politics seriously—or tries to, anyway. "Mencken's social and political views, long thought irreversibly outdated, have become a resurgent strain in American thought," he explains. "Like it or not, the Mencken *Weltanschauung* is once again a force to be reckoned with, and written about."

Unfortunately, Teachout cannot quite live up to the promise of this claim, because Mencken's views are neither as clear nor as consistent as they first appear. Teachout tries to place Mencken in the camp of the modern libertarian Right, but he is an imperfect fit. A life-long Democrat who voted Republican twice, first for Harding in 1920 and then for Alf Landon in 1936, Mencken never truly felt at home in any political party or movement. Over the years, he described himself variously as "an extreme libertarian," "a civilized tory," a "reactionary," and an "extreme radical." Mencken got to the bottom of it when he declared: "I belong to no party. I am my own party."

As with the man's ideas, so with the man. The professional hedonist, enemy of Puritanism, a man who preached that what America needed most was "more sin," conducted himself in such a way as to risk being mistaken for a Presbyterian minister. More than once Teachout calls Mencken a "poseur" and a "mama's boy." He was a hypochondriac. He lived at home until his mother died; in fact, he lived in the same

Baltimore row house for most of his life, with the brief and notable exception of his five-year marriage to the doomed Sara Powell Hardt. The man most associated with the carefree Jazz Age hated jazz music. He drank, but never to excess, never before sunset, never when he had work to do. "[F]or all the abandon of his public persona," Teachout writes, "invariably [Mencken] played it safe in his private life."

One might say that "creative destruction" was Mencken's game. It might be simpler to call it what it was: bourgeois nihilism. "[I]f I had (or desired) the job of making over the world," he wrote in a private memorandum in 1941, "most of its existing institutions would be destroyed." He dismissed the progressives of his own day as dreamers, and considered "all the larger human problems...insoluble," and so thought it a waste of his time and effort to propose any sort of alternative to the democracy he loathed.

Ultimately, and not surprisingly, Teachout finds it difficult "to reconcile [Mencken's] blank nihilism with the deep-eyed conservatism of the Baltimore burgher who reveled in tradition, preferably German." Yet somehow Mencken "found no difficulty in posing as a nihilistic conservative, and his failure to recognize the absurdity of that position stands in the way of his being taken seriously as political philosopher." In the end, Teachout finds the "fundamental inadequacy" in Mencken's thought to be "a skepticism so extreme as to issue in philosophical incoherence."

Skeptic though Mencken surely was, a better title for the book would be *The Iconoclast*. One of the more memorable passages from his writings is this description of the iconoclast's vocation, written for the *American Mercury* in 1924, undoubtedly with himself in mind:

The liberation of the human mind has been best furthered by gay fellows who heaved dead cats into sanctuaries and then went roistering down the highways of the

world, proving to all men that doubt, after all, was safe—that the god in the sanctuary was a fraud. One horse-laugh is worth ten thousand syllogisms.

That could have been Mencken's credo. But it could also sum up his limitations. Essentially self-educated, his formal schooling ended when he graduated from Baltimore's Polytechnic high school. His real education came from the bustle of the newsroom, from the police precincts and wards he covered as a young reporter, and from the books he devoured from childhood—Shakespeare, Thackeray, Tennyson, Dickens, Kipling, and above all, Twain (the discovery of whose books in his father's library Mencken called "probably the most stupendous event of my whole life"). Later, he pored over Darwin, Shaw, Ibsen, Thomas Huxley, and Friedrich Nietzsche. "Everything about Mencken," Teachout writes

—his politics, his religious beliefs, his personal relationships, his taste in literature—was conditioned by his certainty that life was a struggle for survival to which some men were ill-suited by accident of birth. His philosophy would become more elaborate, especially after he began to read Nietzsche, but it never strayed far in spirit from the social Darwinism in shirtsleeves that he acquired as city editor ...listening to drunken reporters gripe about the unfairness of life.

First and foremost among the influences on Mencken's political development was Nietzsche, concerning whom he was the first to publish a study in English. "Every autodidact needs a yardstick against which to measure himself," Teachout observes, "and it was in Nietzsche's *Übermensch* that Mencken caught his first glimpse of the role he was preparing to play, the journalist with a hammer for whom Christian morality was 'something...to fight, to wound, to hate.'"

Teachout isn't the first to notice that Mencken's Nietzsche is more Mencken than Nietzsche. Scholars today do not take his Nietzsche book seriously, but it does make for interesting reading as a preview of his more mature writing on politics, ethics, and theology. Teachout describes Mencken's reading of Nietzsche as "enthusiastic but shallow," limited by his education generally and his temperament in particular. "His Nietzsche is an all-American type," Teachout explains, "a world-improving, can-do go-getter delighted to have seen through the fraud of Christianity and gone beyond good and evil." Later in life, Mencken tried to downplay Nietzsche's influence in shaping his political thought, but the truth is, he never got over that early infatuation with the

prophet of will-to-power, and however superficial his understanding may have been, it colored almost everything he wrote thereafter.

IF ONE THEME RUNS THROUGH MENCKEN'S political writing, it is the war between liberty and equality, or by proxy, hedonism versus Puritanism. Democracy, as he understood it, was a conspiracy of the inferior majority against the superior few. Although he professed to admire America's founders—he considered the founding era to be America's first and last heroic age—he clearly did not understand their ideas or their implications. "Most of our great men have been transparent damn fools," he wrote. "I except, of course, Jefferson." As with Nietzsche, his reading of Jefferson was superficial, though not entirely mistaken. He was undoubtedly right when he wrote that American government "has now gone far beyond anything ever dreamed of in Jefferson's day." But he disagreed violently with Jefferson's doctrines, *viz.*,

It is not a fact that all men are created equal, it is not a fact that they are able to choose their rulers wisely, and it is not a fact that their judgments on public matters, taking them in the mass, are prudent and valid, or even worth hearing. But it is a fact that they are better off, the stupid with the intelligent, when the scope of government is rigidly limited, and its agents have no prerogative outside the narrow and clearly marked bounds.

Mencken's view of democracy was Nietzsche with a generous helping of social Darwinism on the side. "What we need to get rid of, if possible, is its control by a majority that is human only biologically, and, hence cannot be trusted to determine wisely the best interests of the country, or even, its own best interests." And yet he believed at the same time that liberty represented "the first thing and the last thing. Let men be free, and whatever they get they will deserve."

America laughed with him through the 1920s. But when the '30s arrived, bringing with it the Great Depression and the rise of national socialism and fascism, the laughter became, shall we say, inappropriate. As a prognosticator and pundit, he could be spectacularly wrong. He was ardently pro-German during both world wars (although more so in the first). In 1936, he wrote "[a] Chinaman, or even a Republican," could beat FDR. He wrote off Hitler in the 1930s as "a demagogue of a very familiar democratic sort," "a politician of a type very familiar in America," whose policies were "quite indistinguishable from the ruffianism of the Ku Klux Klan." Teachout comments: "He misunderstood Hitler as com-

pletely as he had misinterpreted Nietzsche...and for much the same reason: He had no feeling for the darkness in the heart of man. He looked at evil and saw ignorance." If World War II was, as Mencken wrote in one of his many private notes to himself, "a wholly dishonorable and ignominious business," it isn't difficult to imagine what he would think of this undeclared and amorphous war against "the Axis of Evil."

Was Mencken an anti-Semite? Teachout is unequivocal: "It is not his anti-Semitism for which he will be remembered—but that he was an anti-Semite cannot now reasonably be denied." Did Mencken write nasty things about Jews? He did. The evidence is not new, and Teachout discovers no previously unknown "smoking gun." In truth, Mencken wrote nasty things about *everything* and *everybody*. A case could just as easily be made for Mencken's anti-Americanism, or his misanthropy. But to claim, as Teachout does, that Mencken's anti-Semitism "cannot now reasonably be denied" is a simplification, at best.

MUCH OF MENCKEN'S ENDURING APPEAL has to do with the seductiveness of his language rather than the arguments he makes. Teachout calls it a "triumph of style," but it is more than that. Mencken was "something more than a memorable stylist, if something less than a truly wise man."

Mencken may have had a philosophy, but he was no philosopher. He was a great journalist. To read his obituary of William Jennings Bryan, or his dissection of Thorstein Veblen, or his examination of Oliver Wendell Holmes's "liberal" jurisprudence, even his bitterest denunciations of the New Deal, is to be thunderstruck and left standing in awe. Yet his career was a struggle to transcend "mere" journalism. "I have been torn all my writing life," he wrote in the early '40s, "by two conflicting desires—the journalistic desire to say it at once and have it done, and the more scholarly desire to say it carefully and with some regard to fundamental ideas and permanent values."

The contradiction is obvious—"permanent values" and the "transvaluation of all values" are tough to reconcile. Mencken could never quite bring himself to regard anything "fundamental" or "permanent" without chuckling. At his very best, he would say that he "knew of no human right that is one-tenth as valuable as the simple right to utter what seems (at the moment) to be the truth." But for him, of course, nothing was "wholly good, wholly desirable, wholly true" and "few doctrines seem...worth fighting for.... Far from going to the stake for a Great Truth, I wouldn't miss a meal for it."

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Book Review by Patrick J. Garrity

WILSON'S WORLD

The Ideas that Conquered the World: Peace, Democracy, and Free Markets in the Twenty-first Century,
by Michael Mandelbaum. Public Affairs, 512 pages, \$30



IN 1996, MICHAEL MANDELBAUM, A PROFESSOR of American foreign policy at the Johns Hopkins University's School of Advanced International Studies, coined what is likely to go down as the definitive epitaph for the Clinton Administration's approach to the world: "foreign policy as social work."

Mandelbaum's critical judgment was of some interest because he was considered an old Friend of Bill, a fellow student at Oxford in the 1960s. Mandelbaum had been a Democratic foreign policy adviser during the 1992 presidential campaign and was widely expected to receive a senior position when Clinton took office. He did not, for whatever reason. Other FOBs, such as Strobe Talbott and Sandy Berger, did. Mandelbaum's essay, written four years later, could be sour grapes. Or Mandelbaum might say, as James Madison did of Alexander Hamilton after their famous split: "rather, Colonel H. deserted me."

Mandelbaum's point of departure in his latest book, *The Ideas that Conquered the World: Peace, Democracy, and Free Markets in the Twenty-first Century*, is another president, Woodrow Wilson. Wilson came to the Versailles peace conference after WWI with a set of ideas for remaking the international system to ensure that another such conflict could never take place. The heart of his program was the establishment of an international organization, the League of Nations, to enforce a collective peace. But underlying Wilson's vision was a tripartite liberal approach to international relations that had emerged in Anglo-American thought over the previous century: restraints on armaments, popular government, and the unimpeded flow of commerce across national borders. The Anglo-American liberal conception rested on developments themselves even older: the industrial revolution, with its promise of unprecedented material prosperity; and the French Revolution,

which established popular sovereignty as the new basis for political legitimacy.

Mandelbaum salutes Wilson for his prescience rather than for his statesmanship. The liberal vision was not then feasible, Mandelbaum argues, because the world's sovereign states would not quickly or voluntarily surrender their sovereign prerogatives. More time, and another great shooting war and a Cold War, would be required for liberal approaches to defeat the systemic illiberalism that the fascist and Communist powers embodied. When the smoke cleared at the outset of the 21st century, Wilson's ideas had come to dominate the world. To be sure, liberal internationalism is not universal, but it is hegemonic. It provides the most widely adopted set of political and economic principles and institutions. It is practiced and promoted by the most powerful members of the international system. It has no serious, fully articulated rival as a set of principles for organizing the world's military relations, politics, and economics.

The liberal world is dominated by three major ideas, variations on the Wilsonian vision, which form together a virtuous circle. Peace is the preferred basis for relations among countries; democracy is the optimal way to organize political life within them; and the free market is the indispensable vehicle for making them prosper. The liberal theory of history holds that democracies tend to practice peaceful foreign policies and that where free markets are established, their working, over time, tends to promote democracy.

For Mandelbaum, the creation (and expansion) of this virtuous circle begins with economics. "The future of international relations, and of public life within the world's sovereign states, rests on the fate of the liberal method for organizing economic activity, the free market." The economic history of the 20th century teaches the lesson that

national economies thrive to the extent that they have access to a global market. The international economic order is the creation of the countries of the liberal core. Its upkeep is their responsibility, and particularly that of the United States.

As a condition for full participation in the global marketplace, nations must in turn undergo a fundamental cultural transformation that opens them up to liberal political norms. A democratic peace can then follow, reinforced by a new formula for common security: the transparency of all national military operations and forces, and the configuration of all such military forces so that they are suitable for defense but not attack.

Mandelbaum insists that the liberal order can, should, and will be expanded outward from the civilizational core of (basically) the United States, Europe, and Japan. But we cannot be impatient. Cultural change of the kind that affects economic performance typically comes from social learning based on millions of discrete individual experiences. Such change does not take place overnight. While cultures do change and have always changed, they cannot readily be changed by acts of official policy. Establishing liberal political and economic institutions and embracing liberal security policies is less like agriculture than horticulture.

THE COLD WAR IS A MUCH BETTER EXAMPLE, and exemplar, of the successful transmission of cultural values than is World War II, Mandelbaum argues. The Cold War was won not by conflict but by "conversion"—the gradual loss of faith in Communism and a leap of faith to embrace liberal and economic principles. The victory of the Western ideas should be understood fundamentally as the product of the impersonal working of long-

term global trends and social forces that are anonymous, pervasive, and not readily controlled. Norman Angell's famous argument in *The Great Illusion* (1910) was not wrong, just premature. The status of war has since undergone a dramatic transformation. The peoples of the liberal civilizational core, with the experience of two world wars behind them, now consider war morally dubious and politically pointless. The existence of nuclear weapons greatly enhanced this belief, which even the Soviet Union did not dare challenge through war.

But why did the Communists choose to abandon even the field of peaceful competition? More generally, why should non-liberal cultures change to embrace an economic system that will lead eventually, if not always intentionally, to liberal democracy and pacific foreign policies? Mandelbaum argues that modern liberalism has created a new standard for political legitimacy: prosperity. The industrial revolution (and one might add, modern science), for the first time in history, made general affluence possible. Once made possible, it came to be universally desired. The highest goal of political life is, increasingly, to foster this affluence, which can be guaranteed only through participation in a global market economy.

We thus find ourselves brought back explicitly to the founders of modern liberalism—before Wilson, even before the French and industrial revolutions—to Hobbes and particularly to Bacon and Locke and Adam Smith. According to Mandelbaum:

Human happiness, by one definition at least, is a product of modernity. Insofar as it presumes the existence of choice among different life experiences and outcomes, with some being preferable to others, happiness became possible only with the creation, set in motion by the French and industrial revolutions, of alternatives to the tightly circumscribed traditional world in which a person's life was a social and economic replica of his or her parents.... There was, for the first time in the modern era, a rough consensus on the political, economic and international conditions best suited for them to be happy. For this purpose liberalism was the sole surviving standard.

Mandelbaum acknowledges that the endurance of particular cultures, however liberal, still requires the recognition of national sovereignty—the rock upon which Wilson's League of Nations ultimately foundered. But how is co-operation ensured in a world of sovereign nation states? The European Union foreshadows the way in which the world of the 21st century—or perhaps the 22nd century—will be organized.

With no overarching authority, sovereign states [in the EU] hewed to liberal norms not because they were required to but because they wished to do so. The wish was born of a common, broad, and deep commitment to liberal principles, which, in each case, was rooted in the politics and economics of the participating countries themselves. They could build and maintain liberalism abroad cooperatively because they practiced liberalism at home individually. It was not only the EU but the common security order and the international trade and monetary systems that validated the liberal theory of history, or at least its major premise—that liberal values and practices are mutually reinforcing across the different sectors of political and economic life.

Of course, most of the world does not look like the European Union. Over time, Mandelbaum assures us, we can depend on long-term social forces to get us there. In the meantime, strategy, policy, and agency do have some role in aiding history. The prospects for the Wilsonian triad, unprecedentedly favorable as they are, still depend on what governments do. The emerging liberal order needs the political and economic equivalents of dikes, dams, canal locks, and embankments to support and channel progressive social forces. The construction crews are sovereign states. Some are more important than others, and their roles vary. The United States matters most of all.

Mandelbaum, then, takes the side of Francis Fukuyama in the debate with Samuel Huntington, on the theoretical question of whether the (progressive) forces of history can triumph over cultural differences. In practice, however, Mandelbaum is no more inclined than is Huntington to jump into civilizational clashes in order to enforce liberal norms. In fact, Mandelbaum's real argument is with those who would have the United States plunge into such swamps and quicksand. The United States ought to focus on defending and expanding the liberal core of democratic and free-market states. This requires above all taking care of business, literally and figuratively, with the other great powers (including Russia and China), not remaking the developing world in America's image. Let history on the periphery take care of itself.

Mandelbaum's real ally is George Kennan, not Woodrow Wilson. During the 1960s and '70s, Kennan became a very attractive figure to those who opposed an anti-Communist foreign policy and the Vietnam War but who still favored American engagement in the world. Kennan, who thought of himself as the anti-Wilson, was the putative father of containment in the late

1940s. He emphasized the importance of the core over the periphery and of an indirect and gradual approach that relied on the political and economic forces of history to deal with Soviet Russia. Kennan later decried what he regarded as the dangerous militarization and globalization of containment, which led (he said) to the nuclear arms race and disasters such as Vietnam. This is the faith that Bill Clinton arguably deserted with his humanitarian activism and nation-building in the 1990s.

All this suggests that Mandelbaum is not really a Wilsonian. He is perhaps creating an argument—a noble lie—designed to resonate with Americans, one that engages the United States in international affairs yet serves to restrain and discipline its actions. (Kennan himself, in his later years, has had some nice things to say about Wilson.) Mandelbaum's assessment of the international situation and the chances for backsliding from the liberal order—if you work through his text—is actually quite realistic and sober. He writes in answer to those who criticize the adverse effects of modern liberalism: "The one thing worse than the triumph of the ideas that conquered the world is their defeat." This is hardly a Wilsonian battle cry of freedom.

These are no longer the go-go 1990s, when economics indeed seemed to have displaced security as the motive force in world history (as Bill Clinton himself argued). Mandelbaum insists that September 11, 2001, did not really change things; that terrorism itself cannot destroy the liberal core. He is probably right about that. But the world *feels* different. History, if one takes History seriously, looks different. We now ask ourselves, why do they hate us? And not just the Muslims, but the Koreans, North and South, and perhaps the Chinese and others, too. They don't all hate us, of course, but the world—History—seems for the moment at least to be awash in strong, violent, anti-American and anti-liberal emotions, not in the desire for comfortable self-preservation. But in some places, notably Western Europe, the desire for comfortable self-preservation may indeed have become the central goal of political life. If so, they may ultimately buckle before peoples who are prepared (as Pakistani leaders have said, before taking their own money to Swiss bank accounts) to eat dirt if necessary to obtain nuclear weapons.

Many of Mandelbaum's particular policy prescriptions may make sense, but we will need other standards besides the latest interpretation of history by which to judge those policies, and to judge ourselves.

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Book Review by S. Paul Kapur

DOING WHAT WE CAN

The New Killing Fields: Massacre and the Politics of Intervention,
edited by Nicolaus Mills and Kira Brunner. Basic Books, 288 pages, \$26



IN *THE NEW KILLING FIELDS: MASSACRE AND the Politics of Intervention*, a host of prominent journalists, activists, and academics argue that something must be done to stem the tide of genocide, mass murder, and ethnic cleansing that has swept the post-Cold War world.

In the book's opening essay, Nicolaus Mills writes that while this killing and cleansing has not reached the scale or efficiency of the Nazi genocide, it is not "less worthy of condemnation or less necessary to prevent in the future." Unfortunately, the West, and particularly the United States, has consistently failed to act, "doing too little too late" to end humanitarian disasters in the absence of geostrategic incentives such as oil interests or a global battle against Communism. What the post-Cold War world needs, then, is a new standard for intervention that facilitates timely action to end or prevent humanitarian disasters.

Michael Walzer attempts to provide such a standard in his chapter. Walzer writes that humanitarian intervention is justified where human rights violations threaten victims' life and liberty, and leave the international community "shocked." But Walzer goes on to caution that intervention is not *required* in these cases; states have an obligation "to consider the interests of their own people, even when they are acting to help other people." Therefore, outsiders "need to ask what the costs of intervention will be for the people being rescued, for the rescuers, and for everyone else. And then, we can only do what we can do."

These guidelines are helpful in determining the broad conditions under which humanitarian intervention would be justified. They do not, however, specify when outsiders are required to intervene in target countries, and thus do not address Mills's concern that the U.S. and the West

may not attempt to end humanitarian disasters even when they are morally obligated to do so. In truth, it is hard to see where, by Walzer's standards, states could ever be morally obligated to intervene; for according to Walzer, states must consider their own self-interest when contemplating humanitarian intervention, and are justified in deciding not to intervene for wholly prudential reasons. States can only do what they can. If Walzer is correct, then Mills's moral criticism of American inaction would seem to be unfounded.

Unfortunately, *The New Killing Fields* does not attempt to resolve this tension between its two opening essays. Instead, after Walzer's piece, the book moves to a series of case studies of genocide, mass murder, and ethnic cleansing in Cambodia, the former Yugoslavia, Rwanda, and East Timor. These sections offer basic historical overviews of the cases, as well as vivid descriptions of the atrocities inflicted upon victim populations. Gripping survivor testimonials, as well as accounts of the authors' harrowing experiences covering the disasters as journalists, lend the case studies considerable realism and urgency, and help them to succeed in "shocking" the reader.

A number of substantive themes emerge from the case studies. For example, authors repeatedly emphasize the difficulty that states have had in dispensing justice and achieving national reconciliation in the wake of large-scale killing and ethnic cleansing. They also show how murderous governments can use mass media to organize and manage ethnic violence. And they strongly criticize Secretary of State Colin Powell. According to Peter Maass, Powell's doctrine of overwhelming force, enunciated when Powell was Chairman of the Joint Chiefs of Staff, has created a casualty-averse U.S. foreign policy that relies "on the military equivalent of

a sledgehammer, never a chisel." The resulting unwillingness to use American military power in anything less than massive quantities has prevented the United States from intervening, and saving lives, in situations that required only modest levels of firepower. The Bosnian Serbs, for example, were little more than bullies who, Maass argues, could have been stopped with "the military equivalent of a nudge."

Maass has a point; rag-tag forces perpetrated many of the 1990s' humanitarian disasters, and relatively modest outside intervention probably could have prevented or ended most of them. Rwanda, where 800,000 people were killed primarily by machete-wielding thugs, is perhaps the best example. Nonetheless, a little bit of outside force may not be quite the easy fix that Maass would have us believe. His confidence in intervention rests to a considerable degree on his faith in the efficacy of airpower, which he argues "can turn the tide of a foreign conflict." But airpower has rarely, if ever, won an easy victory against a determined enemy. Indeed, its failure to achieve rapid success in Kosovo nearly fractured the NATO alliance. More recently, in Afghanistan, reliance on airpower without a major ground commitment allowed large numbers of al-Qaeda fighters, apparently along with Osama bin Laden, to escape U.S. forces.

Maass also ignores the fact that even a modest interventionist "chisel" will cause significant harm within target countries. War is about killing people, and humanitarian war is no exception. Intervenor must be prepared not just to take casualties, but also to fire into crowded streets from helicopter gunships, and to shoot the old women shielding gun-toting toughs, even as they explain to the world's television cameras that their mission really is to save lives.

Despite its generally pessimistic tone, *The New Killing Fields* ends on a note of cautious optimism, inspired by the terrorist attacks of September 11, 2001. The authors believe that the large-scale loss of life that Americans suffered on September 11 will increase our empathy for the victims of mass violence overseas. In addition, as Afghanistan showed, the "state failure" and breakdown in sovereignty that lead to massive rights violations create chaotic environments that are breeding grounds for terrorism. According to Michael Ignatieff, "A crisis of order in a single state risks creating 'bad neighborhoods' in a whole region...." These bad neighborhoods constitute "a clear and present national security threat." Samantha Power puts it in even starker terms, arguing that "States that murder and torment their own citizens almost

While it is not clear what impact the September 11 attacks have had on American empathy for suffering overseas, it is true that lawless regions in Afghanistan, Pakistan, and Yemen have become havens for terrorist activity. And pre-September 11 Afghanistan was indeed a country that not only killed and oppressed its own citizens, but also extended its murderous reach overseas in search of additional victims.

But if they draw a credible link between human rights abroad and national security at home, the authors are not entirely clear what to do about it. They certainly hope for a more active U.S. humanitarian policy. What exactly would this entail? The answer is, "it depends." According to *Power*, military intervention would be appropriate in some cases of humanitarian disaster. In other instances, though, "the

This closing attempt to link human rights to national security thus reminds us of the Mills-Walzer problem earlier in the book. Unfortunately, *The New Killing Fields* wants to have it both ways, arguing that humanitarian intervention should be understood as self-interested action, and simultaneously complaining of obsession with casualties, oil, or Communism when states actually base intervention decisions on their self-interest. The result is a book that offers gripping descriptions of today's killing fields, but ultimately cannot formulate a reason why outsiders must intervene in them.

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CONFUSION AND POWER

—Theodore Roosevelt

—Al Davis, owner, Oakland Raiders

BY MID-WINTER 2003, PRESIDENT BUSH and his team had spoken so long and so vehemently, and had moved so many troops, as to well-nigh guarantee that spring would bring either military success against Iraq, or the administration's discredit. Moreover, the Bush team's internal confusion and delay had so eroded the American people's precious post-September 11 resolve, as well as foreigners' support for America, that the president and his secretary of state had to scramble to build support for war. Even after the president's State of the Union address, and Secretary Powell's dramatic February 5 appeal to the United Nations, the Bush team remained of two minds about whether to change Iraq's regime or merely "disarm" it. The president had not resolved disagreements over whether anti-American terrorism is the work of renegade individuals, or of regimes that use them as cut-outs. Nor had he explained

At the outset of the "war on terror," the Pentagon argued that the path to victory lay in changing hostile Arab regimes. President Bush, however, sided with Colin Powell's State Department, the CIA, as well as the earlier Bush Administration's "best and brightest," and rejected the connection between regimes and terrorism (except for friendless, hapless Afghanistan). He chose to work with Saudis and other "friendly" Arab regimes against "shadowy networks," and to track down killers "one at a time."

By summer 2002, Bush somehow decided that Saddam's regime had to be toppled. Whatever his reasoning, he did not break with his earlier decision's premises and with the advisers who personified them. He spoke not of "regime change" but of "disarming" Saddam. He claimed that he had not decided whether to attack, and that he thought it necessary, or at any rate useful, to obtain the endorsement of the U.N. This proved too clever by half. Whereas in the summer of 2002 polls had been running heavily in favor of overthrowing Saddam, by

Common sense would not have expected otherwise. To ask support of anyone, never mind of powers who are declared opponents, for a course of action on which one has not decided oneself, and at the same time to give the impression that one's decision is contingent on such support, is to beg for opposition. More important, once President Bush had given the American people the impression that America needed the U.N.'s blessing to go to war, many Americans took him at his word and disapproved of war without those blessings.

As a preface to discussing America's political-military choices on the eve of the battle with Iraq, it is essential to look at how President Bush and his closest aides framed these choices since September 11.

THE WASHINGTON POST'S BOB WOODWARD has produced a portrait of George Bush and his war cabinet at work, between 9/11 and the downfall of Afghanistan's Taliban regime, that is as detailed as it is accurate. *Bush at War* (Simon & Schuster, 400 pages, \$28) is not history, because Woodward focuses so

sharply on his portraits, and says little by which the reader might evaluate people, ideas, or actions. But it is excellent raw material for history. To anyone personally acquainted with these persons, Woodward's account has the ring of truth.

In the few passages in which he states facts rather than his subjects' views, Woodward sums up what the reader has already grasped: The war cabinet had a loose grip on the basic facts, did not identify strategic goals, did not separate detail from key questions, made no attempt to relate means to ends, and acknowledged obvious, massive realities and choices only after having proceeded for weeks as if they didn't exist.

Consequently, Woodward writes: "Eighteen days after September 11 they were developing a response, a plan of action, not a strategy." And "the emphasis on such side issues revealed how far they were from solving the main ones." And: Five weeks after September 11, "it was critical" to "incorporate military and CIA functions," but it was not being done. As for bombing Afghanistan, after weeks of planning in which the president had insisted that he did not want operations to be like those under President Clinton—bombs falling onto tents and mud huts, "pounding sand" he called it—initial operations in fact amounted to hitting 31 meaningless targets. A month after September 11, one participant at a meeting of the National Security Council said: "we need a political vision now." Another commented: "This is FUBAR" (an old military acronym, meaning f—d up beyond all recognition.) Why? Like all human entities, the war cabinet reflected its leader.

When Woodward asked Bush to explain how he led the war, Bush responded with perhaps the book's most revealing passage:

I'm the commander—see, I don't need to explain—I do not need to explain why I say things. That's the interesting thing about being the president. Maybe somebody needs to explain to me why they say something, but I don't feel like I owe anybody an explanation.

And, in fact, Bush neither presented plans of his own, nor synthesized plans from others' contributions. He wanted plans to accomplish vague, often contradictory things. "We need an early blueprint for response." "Have to coordinate public affairs." He demanded "boots on the ground," meaning American soldiers involved against terrorism somewhere. He said next to nothing about to do what or to what effect. He wanted to show success, but ventured no view as to what that might mean. He wanted "a demonstration of seriousness" but said little about seriousness itself. He wanted "options" among which

he could choose, boxes he could check.

In other words, according to Woodward, Bush led by pulling rank. A stickler for hierarchy, Bush is one of those bosses who calls subordinates by their first names, and even nicknames, while insisting on being called by his honorific. Impatient with intellectual arguments, he was drawn to the bloody-shirt bombast of CIA covert action chief Cofer Black. Only Condoleezza Rice dared tell him things that he was likely to regard as unpleasant, and she had to guard her words. The Churchills and Lincolns of this world lead by asking questions that bare the



problem's essence. Then, like good coaches, they teach subordinates a game plan and their parts. Not Bush. At one point, he told Rice "I am the quarterback." She replied, "You are the coach." But Bush saw himself not as teaching, but as demanding "the consensus of six or seven smart people, which makes my job easier." Woodward comments: "He was about to find out that, indeed, the advice might not only be different, but that it could come dressed in language that was not always straightforward."

THE CONFUSION BEGAN IMMEDIATELY. At 8 a.m. on September 12, CIA director George Tenet walked into the Oval Office and gave the president some intercepts of associates of Osama bin Laden rejoicing at the previous day's attacks. For Tenet, this was "game, set, and match." For the CIA, anti-American terror amounted to little more than bin Laden's al-Qaeda. Bush believed that Saddam "probably was behind this in the end," but he did not demand to see the evidence for and against contrary hypotheses. He even asked Tenet for a list of which targets in America terrorists were likely to hit. Rather than avow ignorance, Tenet produced a list of guesses. Bush agreed to give the CIA "whatever it takes." Tenet said that much of the money would go to "heavily subsidize" the intelligence services of Arab countries. This "would triple or quadruple" the intelligence available to the CIA. Bush did not question the wisdom of

"buying" intelligence from governments whose agendas differ radically from America's. Thus did Bush set the war's goals—implicitly, and on the basis of unexamined assumptions.

At meetings of the National Security Council throughout the rest of that day, "The persistent question was the exact definition of the mission." Defense Secretary Rumsfeld asked; "Are we going after terrorism more broadly than just al-Qaeda?" He suggested that the problem included regimes, primarily Iraq, and that the war should seek to solve the real problem. Secretary of State Powell did not try to define the problem differently, but argued for restricting the mission to al-Qaeda because it would be easier to gain support for that. "Bush made it clear it was not the time to resolve the issue. He emphasized again that his principal goal was to produce a military plan that would inflict real pain and destruction on the terrorists." No one dared ask which ones? And what good would it do to kill one set of people rather than another? Somehow, they would do something in Afghanistan. They would figure out what as they were doing it.

Discussion at the crucial September 15 war council began with the Joint Chiefs of Staff's three options: 1) cruise missile strikes on Afghanistan; 2) add manned bombers; 3) add "boots on the ground." Bush chose option three. But hit what to accomplish what? For Rice, "Afghanistan evoked every negative image: far away, landlocked, hard." Discussion was that vague. Rumsfeld hinted gently that "the worst thing they could do...was to misstate the objective" and that simply moving or killing al-Qaeda or the Taliban would not solve America's problem. Powell steered the discussion away from ends by arguing that "You're going to hear [objections] from your coalition partners" in case you decide to "do" anything but Afghanistan. And even as regards Afghanistan, he cautioned: "don't go after their leadership." Rumsfeld responded that "any argument that the coalition wouldn't tolerate Iraq argued for a different coalition." The dispute was over whether alliances are ends or means. Bush did not resolve it. He asked, what U.S. forces, what allied ones, when, how, "what's the first wave? What's later?" But he neglected to ask, *what do I want to accomplish, and what reason do I have to believe that this action will accomplish what I want?*

Since objectives were unclear, "the Pentagon was still coming up dry." And since foreign governments were being asked to provide troops and basing arrangements for operations the ends and means of which the U.S. itself had not decided upon, their commitments were understandably vague. To Bush's impatience, Rumsfeld replied: "Look, we're not able to define a special opera-

tion role for our own forces. Until we can do that, how can we talk about others?" But Bush was not in the business of explaining. By the NSC meeting of September 26, he had agreed that "targets...were going to be the air defense systems, military airfields, runways, and other military targets...and boots on the ground may or may not be simultaneous."

When pressed about what the actions he had approved would accomplish, the president said: "Our strategy is to create chaos, to create a vacuum, to get the bad guys moving [so we can hit them]."

"Well, you know," Rumsfeld replied, "our military buildup has already had that effect." The mud huts that America would strike had long since been vacated. "The target list cannot impose much damage on the people we want to impose it on." Thus, two weeks after the September 11 attacks, did the thought wedge itself into the NSC that only the government of Afghanistan could rid Afghanistan of terrorists, and hence that America would have to strengthen rebel forces in Afghanistan. But those forces aimed to change the regime. Did the Bush team want that?

At the NSC meeting of Wednesday, October 3, three weeks after the attacks, the team realized that it had already effectively chosen "regime change." But "the problem was that [they] had not yet figured out how to do it." Nevertheless, on October 7, Bush told the military, "Your mission is defined; your objectives are clear..." Meanwhile, Vice President Cheney informed the president that, because of the upcoming winter, "if we're serious about unleashing the Northern Alliance, we need to do it soon." That would mean reorienting the bombing away from the target list on which everyone had agreed over the past month and "on[to] the targets that will make it easier for the Northern Alliance to move." Bush agreed, because, he said, "We need the American people to understand we're being successful..." It is difficult to avoid the impression that Bush was less concerned with the steak than with the sizzle.

But actual policy did not change, and U.S. pilots continued to pound sand through the middle of October. At the October 15 NSC meeting, after five weeks of non-stop deliberations, the disconnect between the White House word circus and military reality became undeniable. Rice told Rumsfeld privately that it was up to him to craft a strategy. Rumsfeld, Woodward writes, "was stirred up. He went back to the Pentagon and directed his policy shop, headed by Undersecretary [for policy] Douglas Feith, to draft a paper outlining an overall Afghanistan strategy. He wanted it in six hours."

Essentially, Feith came up with the obvi-

ous—that only the Northern Alliance could defeat the Taliban, and that close air support was the only way U.S. forces could help. One supposes that over five weeks Feith (whose "shop" employs about 1,000 people, plus hot and cold running consultants) had thought about matching ends and means in Afghanistan, and in the war as a whole. Such ideas are within the grasp of ordinary mortals. But Woodward shows that planning at the highest level admitted common sense about ends and means only when the alternative of embarrassment was clear and present.

In the end, despite confusion, the power that the United States added to that of the Northern Alliance overwhelmed the Taliban. The president and his administration declared victory, and basked in a year of high approval ratings.

Bush At War deals summarily with "homeland security." Bush was very keen on it. But he dealt with it roughly as he did with military affairs. Bush worried a lot about how America might be hit, and wanted the country "buttoned up." He seemed not to have glimpsed that this is impossible. He said things such as "searching everyone from clergymen to elderly ladies at airports could send a message to terrorists—no matter how you dress or how unlikely a suspect you may appear, no one is immune to scrutiny." He did not ask whether that is worth doing, whether and how it might contribute to victory. Woodward did not write the book to raise such questions. Raising them is our purpose.

The War, and the Battle of Iraq

BY MAKING MILITARY ACTION APPEAR inevitable, President Bush's State of the Union address and Secretary Powell's U.N. presentation forced foreign and domestic audiences to consider whether they could afford to be on the losing side of a successful U.S. military operation. Neither address resolved the confusions endemic to the war.

With images from KH-11 satellites, tapes of conversations between Iraqi officers, and evidence of Iraqi purchases of banned materials, Powell argued that Iraq had not complied with U.N. resolutions regarding weapons of mass destruction. With photos of terrorists in Iraq, he also asserted "a potentially sinister nexus between Iraq and the al-Qaeda terrorist network." The pictures' significance was self evident—but only to those who understand satellite imagery. It was impossible to offer proof of the images' dates. U.S. artists' conceptions of Iraqi mobile biowar labs would have to be accepted on faith. The intercepted conversations certainly were consistent with a cover-up of forbidden programs. But by themselves they proved nothing. Nevertheless, the fact that the Secretary of State

bet his country's prestige on a sound and light presentation beamed around the globe was a more certain trumpet for the battle of Iraq than any the Bush team had yet sounded. Still, if the Americans really believed it themselves, why hadn't they made their final decision?

The tentativeness of the connection that Powell made between Iraq and terrorism bespoke the Bush team's long-standing, unresolved internal struggles about "the war."

The War

THE ONLY CONNECTION PRESIDENT Bush made on January 28 between the battle for Iraq and "the war" was that "outlaw regimes" could "give or sell those weapons to their terrorist allies..." But what was the nature of the "alliance" between outlaw regimes and terrorists? Bush had never explained. For a quarter century, Congress had mandated that the State Department issue yearly reports on states that support terrorism. It was common knowledge in Washington that the reports' depiction of each state's terrorist connections fluctuated with U.S. policy. (In 1982, for example, the report gave Iraq a better grade, as part of the U.S. government's nine-year, misguided attempt to turn Saddam into an ally). In 1993, however, the Clinton Administration made the reports irrelevant by embracing the CIA's contention that terrorists were not the foot soldiers and cut-outs of regimes, but were "loose networks" of private individuals imperfectly pursued by regimes. The Defense Department, for its part, had touted evidence of Iraq's provision of stolen identities (and of refuge) to the persons who carried out the 1993 attack on the World Trade Center, the meeting between an Iraqi terrorist handler and Mohammed Atta, the hijack training camp at Iraq's Salman Pak, and so on.

Since George Bush did not question the CIA, he shaped the war on terror according to its view. In the State of the Union, he continued to define "the war" as "against a scattered network of killers," and described its operations as teaching them, "one by one...the meaning of American justice." Bush's fleeting reference to terrorists as "allies" of regimes, like Powell's reference to a "potentially sinister nexus," may have reflected no more than the tactical need to assert at least a tenuous link between the battle for Iraq and "the war." The "nexus" between the battle and the war remained a topic for the president's attention.

At any rate, Bush strengthened the CIA's position by placing a new "Terrorist Threat Integration Center" under its direction. Designed "to make sure the right people are in the right places to protect our citizens," it stood no chance of doing this.

The Battle

WOULD AMERICA OVERTHROW THE Iraqi regime? Bush certainly hinted broadly at "regime change." He said that "outlaw regimes that seek and possess weapons of mass destruction" are "the gravest danger in the war on terror," and that the day Saddam and his regime were removed would be the day of his people's liberation. He pledged to bring "freedom" to the people of Iraq. But he stressed even more strongly that the danger to America consists of Iraq's possession of certain arms. His only explicit commitment was, "If Saddam does not fully disarm...we will lead a coalition to disarm him." The confusion continued.

Supposing U.S. forces were ordered into action, what would they actually do? Professional military sources are unanimous that they would use "shock and awe" tactics—the few troops on the ground would direct accurate fire from the air in order to cut off Iraqi units from their command structure and from one another, and allow U.S. units to pass. With Americans moving around them at will, the Iraqis would surrender even faster than they did during the Gulf War.

But from an operational, as opposed to a purely tactical point of view, the effectiveness of "shock and awe" is by no means clear. During the Gulf War, Iraqi troops surrendered *en masse* after they had been cut off in a concentrated deployment far from home, and pounded for weeks. Many had been killed. They were going to be

overrun, and likely killed. They believed that the U.S. was going to overthrow the regime. In 2003, it is not self-evident that people will be put in fear of death by operations designed to produce fear rather than death. Most important, the fact that Bush does not explicitly aim to change the regime was sure to compound the deadly memory that the last Bush had actually turned surrendered prisoners back to Saddam.

What if Iraqi troops did not collapse? U.S. forces would not be prepared for, and Iraqi deployments do not lend themselves to, mass killing. Pursuing regime change with relatively small forces on the ground, and in the presence of undefeated Iraqi units, would court tactical disaster. In the presence of undefeated Iraqi units, search-and-destroy missions for weapons of mass destruction would *guarantee* tactical disasters. Too late it would become clear that operations designed for one purpose and pursued for another are less likely to accomplish either than to produce blunders pregnant with catastrophe. Choice is the essence of strategy.

The Bush team's unmade choices could invite ploys to preempt or divert American military power. Saddam might proclaim that troops authorized by the U.N. could enter Iraq, search for, and take away whatever they pleased. Iraqi forces would not fire unless fired upon. The U.N. could then unanimously "authorize" a U.S. military incursion, but narrowly tailored to achieve some kind of "disarmament" while respecting Iraqi sovereignty. Part

of the Bush team would be tempted to declare that it had achieved its objectives without bloodshed. Bush could agree with Powell that "disarmament" was the functional equivalent of "regime change." The agony of defeat would follow fast.

It is also possible, however, that U.S. military's advantages over Iraq could overwhelm confused planning. Iraqi troops might well collapse, leading to the shattering end typical of tyrannical regimes. The fate of Saddam could discourage the terror regimes of Palestine and Syria enough so that, under pressure from Israel and Turkey, they would cleanse themselves. Meanwhile, decent Iranians might be heartened to end the terrible regime that, since 1979, had produced misery at home and anti-Americanism abroad. The Saudi royal family could be replaced by persons who actually did useful work and did not feel the need to subsidize the world's terrorists. Following the changes in these regimes, terrorists would no longer hatch faster than we could catch them. After a while, even the Bush Administration might consider sending Tom Ridge back to fixing parking tickets.

Magic? Military success is the closest thing to it. If the battle of Iraq turns out so, America will rightly thank the Bush team, confusion and all. If not, we will have to forgive them, for they know not what they do.

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Book Review by Mark R. Levin

SHOOTING STARR

Starr: A Reassessment, by Benjamin Wittes.
Yale University Press, 256 pages, \$24.95

BENJAMIN WITTES, AN EDITORIAL WRITER for the *Washington Post*, attempts in this book an "impartial" examination of Kenneth Starr's term as Independent Counsel. To his credit, Wittes actually spent ten hours interviewing his subject. Despite this outreach, or perhaps because of it, *Starr: A Reassessment* disappoints. Although Wittes claims to be taking a fresh look, he repeats many of the same complaints hurled by the most ax-grinding critics.

In Wittes' view, Starr was neither a partisan hack (as the Democrats contended) nor a "martyr." He was simply the wrong man for the job. From the very beginning, Starr's personality, lack of prosecutorial experience, and misguided

interpretation of the independent counsel statute—together with defects in the statute itself—doomed his investigation.

Wittes has difficulty discerning the difference between criticizing the independent counsel law and enforcing it. Of course, Starr, like most conservatives, had repeatedly objected that the statute violates the separation of powers doctrine and should have been held unconstitutional by the U.S. Supreme Court. Yet in his role as Independent Counsel, Starr was duty-bound to follow it.

So how did Starr view his enforcement responsibilities? Curiously, Wittes cites former Iran-Contra Independent Counsel Lawrence

Walsh's—the most offensive of all such prosecutors—judgment that Starr "misconstrued his role as a search for truth, rather than an enforcer of justice." Wittes comments:

Critics have long accused [Starr] of behaving like a kind of minister of truth. Starr, it turned out, did not really dispute this description. He contended, rather, that it encapsulated the true nature of the office Congress created.... Despite Starr's strenuous—and I believe sincere—efforts to frame his vision as a disinterested reading of congressional will, his reading was rooted instead in the character of a man

profoundly offended by lies and in whose pantheon of social goods, truth seems to loom larger even than justice. It was an understanding that recast the law—and the prosecutorial process along with it—in his own image.

This is a strange parsing of a prosecutor's responsibilities. Whether enforcing the independent counsel law or any law, it is difficult to imagine a circumstance in which a prosecutor can pursue justice without first determining the truth. Isn't that the purpose of an investigation? After all, a prosecutor represents the state, and if he is not dogged in his search for the truth, then he is a rogue.

Wittes all but ignores the most important decision any prosecutor makes in his pursuit of justice: whether or not to indict the target of his investigation. He makes only passing reference to Starr's conclusion that the Constitution does not confer immunity from prosecution on a sitting president. This is a huge (and accurate) decision. If Starr had concluded otherwise, the independent counsel law, as applied to sitting presidents, would be without criminal remedies. And the pursuit of justice, which Wittes describes as the purpose of such an investigation, would necessarily be impeded. A prosecutor cannot seek justice if he is unable to bring charges against a person he believes to be guilty of a crime.

Yet if Starr had, in fact, secured an indictment against Clinton, one can only imagine the vilification that would have followed—from, among others, Wittes and his editorial page.

Invoking legislative history and statutory construction Wittes argues that Congress had placed limits on independent counsels, which Starr's truth-finding approach skirted. But these limits were illusory. The very purpose of the office was to ensure its independence from executive branch and congressional influence. Starr's expanded jurisdiction was appropriate under the statute and, in fact, authorized by the Special Division of the Circuit Court. And Starr's investigative techniques were also subject to judicial review, and upheld in the vast majority of cases when challenged by targets of his probe and by defendants. Of course, President Clinton went to extraordinary lengths to obstruct Starr's truth-seeking. He asserted attorney-client privilege and executive privilege, and concocted "secret service protective function" privilege, in an effort to prevent Starr from learning the truth.

But at every turn, the courts sided with Starr.

All criticism of Ken Starr eventually comes down to his handling of the Monica Lewinsky affair. Wittes has nothing new to say on the subject, accusing Starr of wandering far away from his original jurisdiction. Wittes does not even acknowledge that, but for Clinton's grand jury testimony and its public release, his multiple offenses—including lying under oath before a federal judge during a sworn deposition in a civil case—would never have come to light. Clinton's supporters would have preferred such a result, but this doesn't diminish the seriousness of Clinton's misconduct.

Starr's judgment was vindicated when, on April 12, 1999, Federal District Judge Susan



Webber Wright issued her opinion holding Clinton in civil contempt. She wrote:

Simply put, the President's deposition testimony [in the Paula Jones lawsuit] regarding whether he had ever been alone with Ms. Lewinsky was intentionally false, and his statements regarding whether he had ever engaged in sexual relations with Ms. Lewinsky likewise were intentionally false, notwithstanding tortured definitions and interpretations of the term "sexual relations."

In fact, a key reason Judge Wright gave for not initiating criminal contempt proceedings against Clinton was that "much of the President's

conduct has been or is being investigated by [the Office of the Independent Counsel], and in order to prevent any potential double jeopardy issues from arising... this Court will forego proceeding under [the rules for criminal contempt]...."

Similarly, Wittes criticizes Starr's prosecution of Webster Hubbell and Susan McDougal as over the top. Wittes could not be more wrong. Hubbell, who had agreed to assist the investigation in exchange for more favorable treatment, burned Starr. In a famous jailhouse telephone call to his wife in 1996, Hubbell said: "So I need to roll over one more time." His words clearly suggested that he had been informed to withhold information about Hillary Clinton.

McDougal had originally offered to provide the Independent Counsel's Office with information about Whitewater (and Madison Guaranty Savings & Loan) in exchange for immunity. Her offer was rejected, and she was successfully prosecuted. Thereafter, McDougal was offered immunity to testify before a grand jury. She refused to answer any questions. Judge Wright held her in civil contempt and later criminal contempt.

At the time, there was speculation from us right-wingers that McDougal expected to receive a pardon from Clinton. What nonsense, replied the president's defenders. On the morning of January 20, 2001, with two hours remaining in his term, Clinton pardoned her.

Wittes points to the short-lived tenure of the first Whitewater Independent Counsel, Robert Fiske, as a shining example of appropriate prosecutorial conduct. He contends Fiske would not have journeyed into areas far outside his original mandate. What Wittes fails to acknowledge is that Attorney General Janet Reno was more than happy to increase Starr's portfolio rather than seek additional independent counsel to investigate matters like the White House Travel Office scandal. Having expanded his jurisdiction, Starr's opponents then criticized him for the length and expense of his numerous investigations.

Starr himself acknowledges that he may have made mistakes as Independent Counsel, but these pale beside the dishonorable stratagems of his enemies and the fecklessness of many of his friends. Unfortunately, you won't learn much about any of these matters from this book, which is a disappointing reminder of a disappointing time.

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Book Review by V. Phillip Muñoz

A POSTMODERNIST'S PRAYER

Getting Over Equality: A Critical Diagnosis of Religious Freedom in America,
by Steven D. Smith. New York University Press, 232 pages, \$45

LIBERALS AND CONSERVATIVES AGREE THAT the Supreme Court's adjudication of the First Amendment's religion clauses is a disaster. No fixed doctrines guide the courts. Precedents stand side-by-side defending almost every conceivable outcome for any case. No one, especially not the justices themselves, can offer clearly defined principles to explain what is and is not constitutional.

In *Getting Over Equality*, Steven D. Smith, a professor at Notre Dame Law School, argues that the problem with this jurisprudence is not lack of principle, but too much of it. Smith contends that all leading liberal and conservative advocates appeal to the principle of "religious equality." But "equality," he claims, is a meaningless concept. Such appeals beg the question "equal in what?" Equals ought to be treated equally, but what, Smith asks, is the relevant characteristic or attribute that matters? Does equality demand only that all religions stand formally equal to one another before the law, or that every citizen, whether religious or non-religious, be equally affected by the law? Such questions are impossible to answer, he further claims, because no satisfactory theory of religious freedom exists or can be developed. All purported theories of religious freedom "privilege" some spiritual or temporal perspective. No theory is truly neutral because every theory assumes the superiority of either the sacred or the secular, and from its starting point generates foreordained results.

Because Smith finds "equality" and all other theories of religious freedom empty, he champions "unprincipled religious freedom." Politicians, he argues, ought to adjudicate disputes over religion in the public square on a case-by-case basis without fixed doctrines to guide decision-making. Such an approach can accommodate compromises between religious and non-religious

citizens as well as recognize and accept that church-state disputes, like all political disputes, produce winners and losers. "Unprincipled religious freedom" also can lower the stakes of religious disputes by keeping them at a local level. Instead of demanding that the Supreme Court decide, for example, whether public schools may allow a graduation prayer, Smith would let local school officials decide for themselves. If middle schools in Arkansas want graduation prayers, they could have them; if not, they could omit them. No need to nationalize problems, he reasonably explains. A non-principled approach also recognizes that "there is no realistic expectation that the diverse array of problems and conflicts that we lump together and address under the heading of 'religious freedom' can be wisely or sensibly resolved by a few people with training at elite law schools."

Given the disarray of religious liberty jurisprudence, Smith's disparagement of legal elites is well founded. His book disappoints, however, because it fails to draw the obvious conclusion of its own argument—namely, that the judiciary should stop intervening in church-state disputes. Judicial review's legitimacy depends on the Court's ability to translate constitutional rights into clearly defined principles. Without such principles, judicial review inevitably becomes the arbitrary exercise of judicial will. If no principle of religious liberty exists, then the judiciary ought not strike down democratically passed laws. But like a druggie who knows he has a problem but succumbs to his weakness anyway, Smith can't kick the law professor's addiction to judicial power. He grants the exception that judges should intervene in disputes "where there is a significant impairment of religious freedom." Of course, this is what every judge believes he is doing. First Amendment law is a mess because judges have acted exactly as Smith suggests, deciding cases without principles.

Because Smith denies that principles can or should guide judicial action, he offers little to traditional judges or constitutional scholars. He suggests that the courts should extend exemptions from burdensome laws to religious citizens under the Free Exercise Clause, and that they should not strike down public policies that advance religion as Establishment Clause violations. Both positions can be defended, but Smith doesn't really try. Clearly, he favors religion and

believes that government should accommodate it as much as possible. As to why, he says that such is "my perspective—a perspective that is, again inevitably, severely limited.... So people with other perspectives and experiences will doubtless find my specific suggestions unattractive, probably even obtuse." They will indeed, and, unfortunately Smith is unable to engage them.

SMITH APPEALS TO "PERSPECTIVE" BECAUSE he writes—consciously, I believe—as a postmodernist. His mode of arguing suggests that he does not believe in the philosophic enterprise as grounds for sound judgment. He rejects a theoretical underpinning for religious freedom because he presumes that a theory is adequate only if everyone accepts it. Disagreement alone, he contends, demonstrates a theory's inadequacy. The traditional philosophic view, however, denies that the objective adequacy of a theory depends on its subjective acceptance by all members of society. The success of the philosophic enterprise has never been understood to require that all who participate in it agree at the end of every debate.

Not only is Smith's mode of argument troubling, so too are his political recommendations. His rejection of principles implicitly denies the idea that men have a natural right to religious freedom. He defends a position that he correctly labels "religious tolerance," which in judicial terms means that judges have "a nonabsolute duty" to accommodate religion whenever possible. A "nonabsolute duty," however, is no duty at all. Though he seeks to protect religious liberty, Smith renders it extremely vulnerable. Judges, legislators, and citizens—especially those who deplore religion—respect the religious freedom of others because they believe it to be a fundamental right. Our contemporary understanding of that right may be inadequate, but this does not mean we should abandon it in favor of a vague "perspective" that religion should be accommodated if possible. Instead of guiding us through our contemporary confusions, Smith would deny us our constitutional rights. He thus delivers not the promised "critical diagnosis of religious freedom in America," but rather a potentially critical blow to our most precious freedom.

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Book Review by Thomas G. West

GOD AND MAN IN AMERICA

Separation of Church and State, by Philip Hamburger.
Harvard University Press, 514 pages, \$49.95



PHILIP HAMBURGER IS ONE OF AMERICA'S leading legal historians. In a series of thoroughly documented and highly reliable law review articles, he has been quietly revising many long-unexamined prejudices about the history of Anglo-American law. He has demonstrated that the American Founders' understanding of "equal protection" and "civil rights" is quite different from the understanding of those terms today. ("Equal protection" emphatically did not mean "equal treatment" or nondiscrimination; it meant only that all persons were equally to be protected against injury to life, liberty or estate.) He has definitively refuted the view of many conservatives as well as liberals today that religious liberty in the founding meant that there is a natural right to disobey the law when the law conflicts with one's religious beliefs (such as a law requiring one to bear arms against the nation's enemies). Hamburger has explained the founders' understanding of liberty, equality, and natural law better than any law professor I have ever read.

The present book is a good example of his work, although in some respects it is not up to the extraordinary standard set by his best published articles. It is a comprehensive history of the idea of separation of church and state in American history. Among other things, it proves, more or less, that the Establishment Clause of the First Amendment meant only (1) there was to be no mandatory religious creed for America; (2) no federal taxes were to be spent on ordinary expenses of maintaining a church or ministry for the sake of worship; and (3) there was to be no federal interference with state establishments of religion in Connecticut,

Massachusetts, New Hampshire, or any other state that used taxpayer funds to pay for church buildings or ministers' salaries.

Other than that, the Establishment Clause posed no obstacle to federal spending in support of religion, limited of course to those areas where the federal government enjoys constitutional jurisdiction. This would include teaching religion in public schools in D.C. or federal territories (but not the states), hiring chaplains in Congress and the armed services, publishing religious proclamations, saying prayers at federal government events, publishing religious messages on its own currency and in federal publications, engraving religious symbols and words on federal buildings, and much more. If the president wants to teach theological doctrines in his Thanksgiving proclamations, or if Congress wants to design a Great Seal of the United States that teaches that God is pro-liberty, anti-slavery, providential, and judgmental, the First Amendment is no obstacle. If Congress wants Catholicism taught in schools in federal territories like Guam or the Virgin Islands, the First Amendment is no obstacle—so long as children are not coerced into joining religious worship in the schools.

Hamburger proves that today's predominant version of separation of church and state is not only hostile to the founders' understanding, but hostile to religion. Today's separationism is different from an earlier, incoherent version of separationism (such as that of anti-Catholic Justice Hugo Black, a former Ku Klux Klan member, nicely exposed by Hamburger). This earlier position (popular in the 19th century and the first part of the 20th) insisted on separation when Catholics asked for government support

of their schools, but inconsistently favored government support of generic Protestantism in public schools, chaplaincies, and government ceremonies. The separation promoted by today's liberals is more consistent. It is uniformly hostile to any religious presence in public life, unless perhaps the religion in question supports the liberal agenda.

Hamburger's book, therefore, provides a real public service. It demolishes the liberal view (of men like Justice William Brennan) that the Establishment Clause bars all support to religion. It demolishes the conservative view (of men like Chief Justice William Rehnquist) that the Constitution allows only non-preferential support of religion. Hamburger does a good job showing that any idea of government support of "religion in general" is an illusion. There is no such thing as "religion in general." All meaningful government support of religion is always support of a particular religious view, as 19th-century Catholics bitterly experienced. Today, support of "religion in general" would include taxpayer funding of Wiccans, Satanists, Muslims (including those who teach hatred of America), and worshippers of that favorite goddess of some feminists, "Our Sweet Sophia."

Liberalism, not Ku Klux Klan Bigotry

DESPITE ITS MANY STRENGTHS, I HAVE several reservations about Hamburger's book. My main reservation is the same one I have about most books in American history: namely, the absence of an adequate theoretical framework for analyzing the phenomenon in question. Let me explain.

The story that Hamburger tells is this: Most of America's Founders opposed religious establishments, meaning state funding of ministers' salaries and church buildings. Hardly anyone used the expression "separation of church and state," but to the extent the separation idea was approved of, the phrase was equivalent to being opposed to establishments only.

Today, however, "separation" tends to mean not only denial of all government support of religion, even when that support is given equally to other private associations, but complete exclusion of religion from public life. Some law professors at the cutting edge of research (such as Kathleen Sullivan) maintain that the Establishment Clause requires the outright prohibition of religious arguments when it comes to deliberations over public policy. Thus religious liberty has come to mean disadvantaging religious organizations or punishing people for expressing religious views in the wrong place (in the legislature, at school, at work, etc.).

This is part of the larger story of the rejection of the founders' understanding of liberty and justice over the past century and its replacement today by the progressive or liberal view of liberty and justice. This is the proper theoretical framework for understanding the dramatic change that Hamburger so convincingly details. It is not primarily Justice Black's *Ku Kluxism* or the anti-Catholicism of some Protestants that animates the opponents of the founders' understanding. They were simply made the dupes of liberals, who, as Hamburger emphasizes, made effective use of Protestant hostility to Catholicism in the service of a goal that was ultimately just as hostile to Protestants as to Catholics and Jews.

In this respect, Hamburger's book has misled many of its early readers. In the conservative reviews that I have seen, the reviewers have focused on Hamburger's discovery of the anti-Catholicism that so often animated those who used the slogan "separation of church and state"—as if this revelation were enough to discredit today's liberal anti-religious agenda. Conservatives like to dress up their arguments in terms that they think liberals will approve of (although they seldom do). But there is a world of difference between Protestants who used the separation argument as a tactical device to get government to promote Protestantism rather than Catholicism, and liberals who are hostile to Christianity altogether.

Hamburger is aware of this, but the book perhaps does not give it due emphasis. In the 1870s, as the influence of German philosophy and European hostility to religion was gaining a foothold in America, a group calling itself "Liberals" demanded an end to all government support of religion and religious institutions:

no more religion taught in schools, no judicial oaths, no Sunday closing laws, and an end to "all laws looking to the enforcement of 'Christian' morality," presumably including laws discouraging nonmarital sex and divorce. Although, as he wryly notes, "Liberals quickly acquired their own reputation for an intolerant censoriousness," their view did come to be widely accepted in the 20th century. The fanatical hatred of religion by these early "Liberals" is one of his many discoveries in this impressive volume.

Hamburger's superb recitation of the facts regarding the changing meaning of separation would have been strengthened by showing this change's connection to the larger movement of American political thought, a movement away from the founders' understanding toward the new, German-inspired historicism and Progressivism. At the end of his book, Hamburger notes this paradox: "Ironically, even as religion has been separated from politics, politics has become, in a sense, religious." Hegel, the grandfather of Progressivism, provides the explanation. He rejects Catholicism and Calvinism because they both view God as a being outside of man, whom man is obliged to worship and revere. For Hegel, however, God comes into full existence only through the historical development of the human mind. The state, in Hegel's view—not the church—is the objective form of God's presence on earth, because the state is the embodiment of reason—of God. Once the state is divinized, the old-fashioned religions have to be rejected.

Too Hard on Jefferson

MY SECOND RESERVATION ABOUT THE book is that Hamburger is too hard on Thomas Jefferson. He takes Jefferson to be an early exponent of the extreme separationist view that has come to prevail today. But this goes far beyond what the historical record will sustain.

First, it is a good rule of historical interpretation to distinguish between the private thoughts of a man and his public works. Jefferson believed a great many things that never found their way into his public life. His private rants against priests, Calvinists, and some of the more obscure doctrines of Christian faith tell us very little about the principles of the founding or even of Jefferson's own public actions.

One of those public actions was the famous "wall of separation" letter to the Baptists in Danbury, Connecticut. But even this letter will not bear the weight that Hamburger places on it. Hamburger thinks that Jefferson meant that government should avoid practicing, teaching, or supporting religious views of any kind. Among

other things, if Hamburger's interpretation is correct, Jefferson meant the "wall of separation" to forbid government officials, such as school teachers or presidents, from engaging in or sponsoring public prayer. Yet Jefferson closes this very same letter, written in his official capacity as president, with a prayer: "I reciprocate your kind prayers for the protection and blessing of the common Father and Creator of man." If Hamburger's view of the letter were right, Jefferson would be breaking down the wall of separation at the very moment he was proclaiming it.

Hamburger also claims that Jefferson was "indifferent to the religion of most of his countrymen and downright hostile to their religious institutions." Hamburger denounces Jefferson's "anticlerical rhetoric." Although it is true that in moments of exasperation Jefferson did criticize organized Christianity, at other times, in a more sober voice, he saw that Christianity in its American incarnation was beneficial to republican government. In his First Inaugural Address, he said that Americans were "enlightened by a benign religion, professed, indeed, and practiced in various forms, yet all of them including honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence."

According to Hamburger, "Not until he came under scrutiny as president did he publicly suggest that he considered religion essential to the preservation of liberty." But in the *Notes on the State of Virginia*, composed in the 1780s, Jefferson made the famous statement, "And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever."

Jefferson was more favorable to Christianity than Hamburger says he was. To be sure, though Jefferson said some favorable things about religion, he also said some very nasty things. He was not very consistent on the topic. But in public, at any rate, Jefferson was consistently respectful, not hostile, to "the religion of his fellow countrymen." My guess is that his French Enlightenment prejudices were in an unresolved tension with his more sensible Lockean respect for a manly Christianity that emphasizes man's moral and political duties—the kind of Christianity that prevailed in America in his day and long afterwards.

My third reservation is that the book does not always acknowledge the essential ambiguity of the expression "separation of church and state." Sometimes Hamburger rightly emphasizes that there have been multiple meanings given to that

phrase. But at other times, he speaks as though it has a univocal meaning. For example, he says that few of the founders' generation favored the separation of church and state. Yet from the many quotations that he marshals, it is clear that quite a few Americans—and quite a few of the founders—favored separation in the sense of banning establishments. That is the most obvious surface meaning of Jefferson's "wall of separation" letter itself.

When Tocqueville wrote that all American Christians welcomed the separation of church and state, he meant only that the church as an institution has no official political status, and that the state does not formally support the church as an institution. Tocqueville was correctly describing the America that the founders made.

The Principles Behind the Policies

A FOURTH AND FINAL RESERVATION: HAMBURGER should have spent some time developing the political theory of the founding as it bears

on religion. The proper meaning of religious liberty is what we are ultimately discussing in the "separation" question. To understand that, it is not enough to say what the founders' policies regarding religion happened to be. We have to understand why they held the views they did, and whether they were right to do so. This is something that Hamburger could have done easily and well, judging from his several excellent articles on the political theory of the founding.

To what extent government should promote religion was a matter of controversy among the founders, as is well known. Hamburger's book (with the partial exception of the treatment of Jefferson) brings out what is not so well known: that in spite of their conflicts over the proper extent of government support of religion, all sides agreed that *the right kind* of religion was vital for the success of republican government, and that government should in some appropriate ways take a stand in favor of religion rightly understood. That is why in spite of their differ-

ences on the "establishment of religion" question, Jefferson, James Madison, John Adams, and George Washington could all agree on this provision of the Northwest Ordinance, passed in the same year as the First Amendment: "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

Let us hope that Hamburger's useful book will encourage today's legal elites to abandon their erroneous understanding of the Constitution's religion clauses and return to the American Founders' sensible awareness that belief in a just God is not only *not* in conflict with political freedom, but is, as Washington said, its "indispensable support."

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Book Review by James H. Hutson

UP AGAINST THE WALL

Thomas Jefferson and the Wall of Separation Between Church and State,
by Daniel L. Dreisbach. New York University Press, 304 pages, \$42

IN HIS OPINION FOR THE COURT IN *EVERSON v. Board of Education*, the 1947 case begetting the modern law of church-state relations, Justice Hugo Black invoked Thomas Jefferson's 1802 letter to the Danbury Baptist Association. In that missive, the third president asserted that the First Amendment's Establishment Clause had erected a "wall of separation between Church & State." The fateful metaphor seemed to illuminate the "opaque"—the Court's adjective—character of the Establishment Clause so successfully that it became irresistible to the justices, who returned to it time and again. Patronized by politicians, professors, and pundits, the "wall" soon loomed so large in the public mind that some citizens believe the phrase appears in the Constitution itself.

Daniel Dreisbach, a professor at American University, has now written a valuable history of the "wall of separation" metaphor. The scourge of strict-separationist ideologues in the academy and elsewhere, Dreisbach describes his volume as a "source book for jurists and scholars who use

Jefferson's metaphor." It is all of that and more. In an exhaustive bibliography and a profusion of equally exhaustive footnotes, he gives us an *omnium gatherum* that will stand for years as an incomparable storehouse of information about the wall. Along the way, he delivers a devastating indictment of the post-*Everson* Supreme Court for misapplying Jefferson's metaphor and, consequently, for grossly distorting the meaning of the First Amendment.

Dreisbach reveals that at least three important historical figures before Jefferson employed the trope: Richard Hooker, Roger Williams, and James Burgh. Dreisbach eliminates Williams as a source for Jefferson and suggests that, though the third president might have encountered the metaphor in Hooker's writings, it is far more likely that he met it in the voluminous productions of Burgh, an 18th-century Whig popularizer much read by the founding generation. Dreisbach presents a minute examination of Jefferson's composition of the Danbury letter, pointing out that the president was motivated at least as much

by political as didactic motives in writing to the Connecticut Baptists and that his Danbury admirers may have been discomfited by the letter's separationist tone inasmuch as they refrained from publicizing it. The Danbury letter languished in relative obscurity throughout the 19th century—it was, however, cited by the Supreme Court in *Reynolds v. United States* (1879)—and it remained more or less forgotten until the Court "rediscovered" it in 1947.

By far the book's most important contribution is Dreisbach's analysis of the Court's misinterpretation of Jefferson's meaning. Jefferson viewed the Establishment Clause in the context of federalism, to which of course he was passionately devoted. So far as he was concerned, the wall of separation applied only to the federal government; the Establishment Clause did not touch the individual states, which were constitutionally at liberty, he believed, to make any arrangements whatsoever regarding religion, even ones that he would have deplored, such as legally establishing religion

on the model of England or even Geneva. For Jefferson, Dreisbach argues convincingly, the Court's application (in *Everson*, and subsequent cases) of the First Amendment to the states would be nothing less than a subversion of the Constitution, transforming a provision meant to limit government into a universal rule empowering the federal courts to dictate church-state relations throughout the land.

Although Dreisbach stops short of explaining Jefferson's philosophical views about the appropriate relationship between government and religion, Philip Hamburger tackles that subject head on in his new book. A law professor at the University of Chicago, Hamburger concludes that Jefferson was a strict separationist in the modern sense of the term and that the Court understood correctly his "wall of separation" gloss on the First Amendment. Nevertheless, argues Hamburger, the Court was wrong about the First Amendment because Jefferson was wrong about it. According to Hamburger, virtually no American during the Founding Era, especially not the evangelical dissenters who often allied with Jefferson, favored the separation of church and state. To be sure, they opposed government's legally establishing one religion at the expense of all others; but "separation" of church and state was universally feared as a measure that would deprive government of the moral foundation needed to create and maintain a good society. Thus Hamburger persuasively argues that the First Amendment could not have meant a strict, universal separation of church and state; and by following Jefferson in so construing it, the Court was wrong on hermeneutical grounds as

well as on the jurisdictional grounds urged by Dreisbach.

How could the Court have permitted itself to be so badly misled about the meaning of the First Amendment? Put simply, why was the Court's history so bad?

The answer is not the usual suspect—the Court's indulgence in "law office history." Dreisbach, in fact, points out that Justice Waite introduced the wall metaphor into the *Reynolds* decision only after extensive consultation with the most highly respected historian of the era, George Bancroft. Moreover, documents in the Library of Congress prove that Justice Rutledge, an ally of Justice Black, was a confidant of Irving Brant, the distinguished Madison biographer, and crafted his opinions in consultation with that scholar. Since Bancroft and Brant were both committed political liberals, it might be objected that the Court did not consult the *right* kind of historians. But even the most objective scholars can not provide jurists with the one, true answer about the 18th-century meaning of the Establishment Clause.

OPINIONS OF THE FOUNDING GENERATION were scattered all across the spectrum on the question of the assistance government could give religion. Consider the Baptists, the most ardent separationists in the Founding Era. Some Baptists in Massachusetts and Maryland actually favored selective state financial subsidies for churches; others, while disapproving financial support, encouraged the state to print and distribute bibles; Virginia Baptists opposed both measures but were happy to accept public accommodations

for church services. Presbyterians were divided over state financial assistance to churches as were political leaders in virtually every state. Statesmen like George Washington changed their mind on the issue. James Madison participated intermittently in public religious acts for 30 years, i.e., in issuing religious proclamations, which in the privacy of retirement he deplored. Jefferson permitted church services to be held in federal office buildings but was accused of hypocrisy for doing so.

Confronted by opinions so diverse and problematic, the best scholarship can be of only limited assistance in supplying the "correct" answer about the framers' precise intentions regarding government assistance to religion—a painful conclusion for a supporter of the "jurisprudence of original intent." Yet, according to a Massachusetts commentator in 1780, the meaning of the term, establishment of religion, was even then "prodigiously obscure." If so, do today's judges not deserve a degree of sympathy as they try to tease out the intentions of the drafters and ratifiers of the First Amendment?

Dreisbach's superb book, and Hamburger's as well, pierce the fog to this extent. They inform us that, if there is no "right" answer about how far the founding generation would have permitted government to go in assisting religion, there is indisputably a wrong one: the radical, unprecedented divorce of church from state that the Court has decreed since 1947.

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ALTERED STATES

Narrowing the Nation's Power: The Supreme Court Sides with the States,
by John T. Noonan, Jr. University of California Press, 208 pages, \$24.95

EVEN BEFORE OPENING JUDGE JOHN T. Noonan, Jr.'s, latest book, one suspects that something is amiss. The cover photo is a picture of an American flag draped backwards, not the kind of mistake that the author of *The Lustre of Our Country: The American Experience of Religious Freedom*, which meticulously traced the original understanding of the Constitution's religion clauses, should have made. But then, at first blush, there is something backwards about a conservative judge such as John Noonan criticizing the conservative Rehnquist Court's recent federalism decisions, the most successful effort to restore the Constitution's original limits since the New Deal all but annulled them.

The decisions by the High Court that come under Judge Noonan's scathing attack read like a list of conservative favorites. *Seminole Tribe of Florida v. Florida* (1996) and *Alden v. Maine* (1999), in which the Supreme Court crafted a doctrine of state sovereign immunity designed to help limit the reach of the federal government, demonstrate for Noonan a "federalism" that is really a misnomer for the old secessionist slogan "states' rights." *United States v. Morrison* (2000), in which the Supreme Court struck down provisions of the Violence Against Women Act as exceeding Congress's power to regulate commerce among the states, "leave[s] women less protected by the law than men," in Noonan's world. *City of Boerne v. Flores* (1997), in which the Court struck down the Religious Freedom Restoration Act as exceeding Congress's power to implement the provisions of the 14th Amendment, amounts to judicial "activism," according to Noonan, an example of the Court being "boldly innovative." And the series of cases decided by the Court restricting the reach of the Americans with Disabilities Act leaves the elderly and disabled with inadequate remedies for "unequal treatment," he charges. Noonan even goes so far as to compare the Court's recent federalism decisions to the notorious *Dred Scott v. Sandford* (1857) and, apparently for Noonan, the equally notorious *Lochner v. New York* (1905) (which, according to Noonan, "had a negative effect on the conditions of employment for over a quarter century") and *Carter v. Carter Coal Co.* (1936) (which, heaven forbid, "nearly brought the New Deal to an end").

With such an assault on the conservative citadel, one might be tempted simply to write

off Judge Noonan as yet another Earl Warren or Harry Blackmun, judges who "evolved" toward a more "enlightened" liberalism (and away from any original understanding of the Constitution) during their tenure on the bench. Indeed, some of Noonan's premises are so contrary to the original understanding of the Constitution that his characterization of the Court as a "hitchhiker of history" seems more apt when applied to his own claims. Noonan treats the Constitution's preamble as a broad grant of power, for example, thus rendering redundant the entire list of Congress's powers in Article I, Section 8, and rendering a nullity the fundamental constitutional doctrine of limited, enumerated powers. He mistakenly notes, in criticizing the Court's Free Exercise of Religion decisions in *Employment Division v. Smith* (1990) and *City of Boerne*, that when "Congress adopted the Bill of Rights,...the free exercise clause was set out as our first freedom," apparently overlooking the fact that the First Amendment only became the first amendment because the two amendments actually proposed by Congress before it were not ratified. And, in criticizing the Court's decision in *Morrison*, Noonan accuses the Court of ignoring an "appeal to history," but the history to which Noonan looks is the revolution of 1937, when the Court threw off the supposed shackles of the Constitution's limits on federal power, not the deliberations of 1787, during which those limits were so carefully wrought.

STILL, THERE ARE TWO ASPECTS OF JUDGE Noonan's critique of the Court's recent federalism decisions that warrant careful consideration. The more obvious is his criticism of the Court's 11th Amendment state sovereign immunity decisions. Couched in a wonderfully humorous exchange between a mythical federal appellate judge, Samuel Simple, and his all-star team of law clerks, Yalewoman, Boaltman, and Harvardman, Noonan decimates the reasoning of the entire line of 11th Amendment decisions beginning with *Seminole Tribe*, and its historical building blocks, *Ex Parte Young* (1908) and *Hans v. Louisiana* (1890). "It's a logical mess," Noonan's character Yalewoman notes, "and it's really intolerable. How can people have respect for a system that violates the laws of logic in one of the system's most important operations?"

Logical mess indeed. The essence of the Court's modern state sovereign immunity doctrine is that the states entered into the Constitution's more perfect union with their sovereignty intact, a sovereignty that includes the old Hobbesian notion of governmental immunity from suit unless there is an express waiver of that immunity (in contrast to the Lockean view adopted by the founders, which recognized the people as sovereign and the government as mere agent). What this means is that the states cannot be sued even for violating federal law duly enacted pursuant to powers expressly and, in some cases exclusively, granted to the federal government in Article I of the Constitution. This, supposedly, because the 11th Amendment to the Constitution so commands.

What the 11th Amendment actually provides is vastly different, of course, particularly when read in light of the specific controversy over the Supreme Court's decision in *Chisolm v. Georgia* (1793) that produced it: "The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State." On its face, the amendment says nothing about suits against a state by its own citizens, yet that non-textual interpretive gloss was added a century later in the 1890 case of *Hans v. Louisiana*. Additionally, the amendment seems designed simply to counteract the holding in *Chisolm*, and is therefore properly read as merely a statement about the inability of federal courts to entertain state law claims against the states based on the diversity of citizenship, not a pronouncement of state immunity from suits based on federal statutory or constitutional law. The Court has long held to the broader view, however, and as a result was forced in the 1908 case of *Ex Parte Young* to create what it has subsequently termed an "obvious fiction," namely, that suits to enjoin state officers from enforcing unconstitutional state laws do not violate the principle of state sovereign immunity. Such suits, which can only be brought against officers of the state, are permissible, according to the Court, because of the fiction that when acting in defense of unconstitutional state laws they are not really officers of the state.

Quite apart from the utter incoherence of the Court's recent decisions, *Seminole Tribe* and

its progeny are also problematic because, being based on a non-textual, extra-constitutional theory of inherent immunity, the *Seminole Tribe* majority has placed at risk the broader project of restoring some semblance of the rule of law to constitutional adjudication—leaving itself open to the otherwise unfair charge that its resort to original understanding is simply driven by the majority's preferred results. By criticizing the sovereign immunity cases on the Court's own originalism terms, Judge Noonan at least suggests an alternative theory; perhaps the Court simply got it wrong.

WHICH BRINGS US TO THE SECOND, and much more subtle, critique of the Court's federalism decisions offered by Judge Noonan. By enhancing the power of the states via its sovereign immunity decisions, and as importantly, preventing federal intrusion upon the states' exercise of power in select areas declared off limits by the Court's own interpretation of the Constitution, the Court has, according to Noonan, really "accreted" power to itself.

The sovereign immunity cases provide a good example of the problem. For the founders, the division of the people's sovereign powers between two levels of government was not designed simply or even primarily to insulate

the states from federal power. It was designed so that the states might serve as an independent check on the federal government, preventing it from expanding its powers against ordinary citizens. And it was designed so that decisions affecting the day-to-day activities of ordinary citizens would continue to be made at a level of government close enough to the people so as to be truly subject to the people's control. The 11th Amendment is simply an example of what the founders accomplished principally through the main body of the Constitution itself. Congress was delegated only specifically enumerated powers (and the necessary means of giving effect to those powers) over subjects of truly national concern; it was not given a general police power to control the ordinary, local activities of the citizenry. By exempting the states from illegitimate exercises of power by the national government, rather than invalidating the illegitimate exercise of power itself (as it did in *United States v. Lopez*, which overruled the Gun Free School Zones Act as beyond Congress's power to regulate commerce among the states), the Court effectively eliminated the states as the counterbalance to federal power.

Noonan's critique might be extended to the commerce clause cases, as well. *Lopez* was itself a landmark decision, and had it been consistently

applied, would have resulted in the invalidation of literally thousands of federal laws and regulations. Instead, the Court has only invalidated two federal statutes as inconsistent with Congress's power under the Commerce Clause—both in areas that were already heavily regulated by state governments. With such a piecemeal application of the Constitution's limits, the doctrine of enumerated powers is transformed from a protection of individual liberty into a turf war between two governments, each fighting for the right to regulate every aspect of our lives, with the Court serving as some grand and final arbiter between the competing claims but not as a defender of individual liberty.

This is a serious contention. Unfortunately, the lesson Judge Noonan draws from it is that the Court should more or less abdicate its responsibility for enforcing the Constitution's limits rather than more broadly and consistently enforce them. The book's conclusion is thus consistent with its cover—the material for a proper flag is there, but somehow it comes out backwards. Sometimes you really can judge a book by its cover.

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Book Review by Herman Belz

VISIONS AND REVISIONS

Who Owns History? Rethinking the Past in a Changing World,
by Eric Foner. Hill and Wang, 233 pages, \$24

THIS COLLECTION OF OCCASIONAL ESSAYS by noted Marxist historian Eric Foner provides useful insight into the ever-changing, if reliably utopian, progressive mind. Foner covers a range of subjects, including blacks and the U.S. Constitution, revisionist history in Russia and South Africa, American freedom in a global age, and why there is no socialism in America. The unifying themes are "the politics and purposes of historical understanding" and the relationship between the historian and his own world.

Foner's world is impeccably and indelibly progressive. Raised in a "Communist-oriented" family, young Eric "did not have to wait until the upheavals of the 1960s to discover the yawning gap" that separated America's claim to be a land of liberty from its social and political real-

ity. Influenced by the Communist Party's fight against racism, his family had a "preoccupation with the past and present condition of our black fellow countrymen." In this environment Foner learned how a commitment to social justice can infuse one's view of history. In effect, it gave him a headstart on the road to academic distinction—he is a former president of both the American Historical Association and the Organization of American Historians. Such honors make him the preeminent tenured radical of his generation.

Foner is an old-line, "New Left" thinker. Social constructivism and cultural studies are not for him. The question who owns history, the burning question raised in the 1990s by controversies such as the *Enola Gay* exhibit and the Columbus quincentennial, is a multiculturalist

distraction for committed leftists like Foner. Anyone reading this book for instruction on the philosophical questions raised by postmodernist scholarship will be disappointed. Still, cultural radicalism has its uses, and Foner is sympathetic to it. This is expressed here in his defense of historical revisionism, on which radical cultural studies depend, against a suspicious public that wants a celebratory national history.

Foner says such an attitude misunderstands the nature of historical study. Historical revisionism began with the ancient Greeks, he argues. More recently, Progressive Era icons Charles Beard and Carl Becker "demolished the notion that historical truth is fixed and permanent and that fact and interpretation can be sealed off from each other." Indeed the search for new perspectives is the "lifeblood of histori-

cal understanding." So each generation rewrites history to meet the needs of the times—"new political, social, and cultural imperatives."

Of course like all historical relativists, Foner presents this assertion as a matter of fact rather than interpretation. Moreover, he reassures us that history is not myth and invention but rests on commonly accepted professional standards. He observes: "Historical truth does exist [sic], not in the scientific sense but as a reasonable approximation of the past." Yet distrust of revisionism persists. The real problem is that people don't pay enough attention to academic historians. The "most difficult truth" for people outside the academy to accept, Foner laments, is that "there often exists more than one legitimate way of recounting past events." Who then owns history? "Everyone and no one—which is why the study of the past is a constantly evolving, never-ending journey of discovery."

Foner's trite and perfunctory discussion hardly does justice to the question. Perhaps he is being circumspect. In *Reconstruction: America's Unfinished Revolution* (1988) for which he won the Bancroft Prize, and other works on slavery and race, Foner gives a more substantive answer to the question who owns history. Simply stated, history belongs to—and in the deepest sense can be known by—those who make it. In U.S. history, according to Foner, this means African-Americans. As slaves, free persons of color, and emancipated citizens, their labor built the nation. From the standpoint of historical and racial justice, blacks claim a unique moral standing in American society. Thus his progressive interpretation of American history centers on black agency; and its most distinctive feature, oddly, is its essentially unchanging nature. For Foner, racial inequality, oppression, and injustice are the enduring values that define American politics and society.

Slavery and racism "were embedded in the

Constitution." American citizenship, apparently based on universal principles, was exclusionary. When political conflict between whites led to the Civil War, slavery was abolished mainly because blacks demanded their freedom. The emancipated slaves were "the central actors in the drama of Reconstruction," a political movement that "produced not simply three amendments but a fundamentally new Constitution." Its essential features were citizenship based on racial equality and a powerful national government to guarantee "blacks equal standing in the polity and equal opportunity in a free labor economy."

National-minded progressives in the early 20th century saw the Civil War and Reconstruction as the Second American Revolution. Foner sees these events as the real American Revolution. Although temporarily successful in giving blacks civil and political rights, Reconstruction failed to redistribute property and establish economic democracy. It was therefore overthrown by Southern white racism and Northern indifference. A long night of racial segregation and discrimination set in, but the ideals of Reconstruction—America's unfinished revolution—set the political agenda for the future. Eventually, with the civil rights movement of the 1960s, the completion of the revolution seemed imminent. The "second Reconstruction," however, was in Foner's view overcome in the 1980s and '90s by the same forces of white racism, social Darwinist ideology, states rights, and economic individualism that had destroyed the first one.

The inference to be drawn from this book is that it is harder to keep the progressive faith in the 21st century than it was before. "Americans still live in the shadow of the Reagan revolution," Foner complains. Libertarians, corporate executives, and armed militia groups appropriate the vocabulary of freedom. Most important, the Soviet Union has ceased to exist. Foner

describes the writing of a new Russian history that "painted the history of the Soviet era in the blackest hues." Sympathizing with old Communists made to feel that their lives had been wasted, Foner, with studied impartiality, judges the new Russian history to be "no less 'political' than the old."

In the face of events that do not conform to the progressive vision, Foner executes a rhetorical retreat. He admonishes: "Americans often 'forget' that our history is not a whiggish progress toward greater freedom and equality but a far more complex story in which gains are made and lost, rights are expanded and sometimes revoked, and ideas long since discredited rise like ghosts to haunt later generations." Though the civil rights movement may have written the color-blind ideals of the Reconstruction into American citizenship, "only time will tell," says Foner, whether this was a permanent change in American life or the product of specific circumstances that are already fading into history.

Considering the author's eminence, this book daringly raises the question whether socialism is finished as a historical force. Foner's answer is yes and no. Yes, in the sense that Marxist ideology has been proved wrong by events and no longer serves the purposes of socialist politics. But ultimately No because American liberalism and egalitarianism—especially in the form of affirmative action—will do just fine as a rationale for "the equitable distribution of the products of capitalism." Progressive spirits ascend as Foner contemplates the future: "In a global age, the forever unfinished story of American freedom must become a conversation with the world, not a complacent monologue with ourselves."

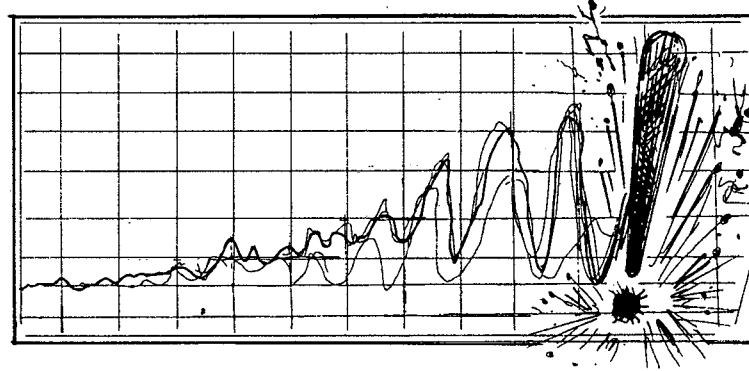
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Book Review by John Derbyshire

HERE WE GO OVER THE PAMIRS

A Short History of the World, by Geoffrey Blainey.
Ivan R. Dee, 466 pages, \$27.50



ONE OF THE ATTRactions of historical writing is that it is, to use a term of art from software development, “scalable.” It is possible to write a very good history book covering the events of less than a week, as John Lukacs did with *Five Days in London, May 1940*. A single year can offer surprising depth of view, as in Ray Huang’s *1587—A Year of No Significance*, which gives curious insights into the decline of the Ming dynasty. A war lasting several years, a social development spanning decades, or a state of affairs that continued across many lifetimes, can all be made into good narratives. (One of my favorites, and favorite titles, on the many-lifetimes scale is William Manchester’s *A World Lit Only by Fire: The Medieval Mind*.) At least one author has taken on an entire millennium: Geoffrey Bibby’s survey of the Bronze Age, *Four Thousand Years Ago*, begins in 2000 B.C. and ends precisely a thousand years later.

At the extreme of this progression are those books that cover the whole of human history. Some of the earliest historians in the ancient world, like Sima Qian of China, took it as understood that they should try to record everything known, though the geographical scope of their researches was naturally limited. Writers of the Middle Ages, while by then aware that there were other nations elsewhere with stories to tell, were mainly content to chronicle the doings of their own peoples. In modern times, with the whole of the world known and mapped at least in outline, the universalist tradition was revived, Sir Walter Raleigh’s *History of the World* being a notable early attempt. (Though an incomplete one—he only reached the Punic Wars.)

The 20th century delivered two English-language best-sellers in this line: H.G. Wells’s *Outline of History* (1920) and Hendrick van Loon’s *The Story of Mankind* (1922). Though both went

through several revised and updated versions, only van Loon’s book is currently in print. His colorful, anecdotal approach has kept *The Story of Mankind* a favorite, especially with inquisitive youngsters. It is hard to say why Wells’s book has fallen from favor. I myself read it when a college student, and greatly enjoyed it. I recall thinking that Wells was particularly good on early Islam. Possibly the *Outline*, which sold in two volumes of over 500 pages each, is just too long for today’s attention spans. Section headings like “The main races of mankind” probably do not help commend it to modern sensibilities. (Rebecca West recalled Wells working on the passage about the Aryan invasions of India, chanting to himself: “Here we go over the Pamirs, here we go over the Pamirs...,” referring to the mountainous range of Tajikistan).

Now here is Geoffrey Blainey with a new entrant in the world history stakes. Blainey is a distinguished Australian historian, who has held chairs at Harvard and the University of Melbourne. He came to the attention of the general non-history-reading public, in Australia at any rate, in the mid-1980s, when he scandalized elite opinion circles by publicly questioning the doctrine of multiculturalism, and the compatibility of traditional “Anglo-Celtic” Australian social norms with high levels of immigration from Asia. (He has since revised his opinions on these topics in a somewhat more optimistic direction.) Blainey has also been critical of what he called, in a very striking phrase, “black-arm-band history”—history, that is, interpreted as a sequence of cruelties and oppressions visited on innocent nonwhite native folks by amoral and rapacious Europeans. Even earlier in his career Blainey had caused something of a stir with his 1976 book, *Triumph of the Nomads: A History of Aboriginal Australia*. Anthropological dogma at

that time held that primitive peoples in the undisturbed state were gentle and pacific. Blainey showed, by careful analysis, that rates of death from warfare among the Aborigines were actually comparable to, and very likely exceeded, the levels current in the belligerent nations of World War II.

With a narrative text of just over 400 pages, *A Short History of the World* is indeed short, shorter than either Wells’s *Outline* or van Loon’s *Story*, not to mention Sir Walter’s five massy volumes. His decision to thus compress the events of the last two million years presented Blainey with formidable problems of arrangement and selection, which I think he has handled very well. His overall approach is, of course, logarithmic. That is to say, recent centuries are given more space than earlier ones, and recent millennia *much* more space than earlier ones. By page 60 we have already advanced from hominids roaming the East African veldt to city-builders in Bronze Age Mesopotamia, and at the halfway point of the narrative, Hernán Cortés is conquering Mexico. This back-loading is unavoidable, not only because we know much less about remote times, but also because interesting developments—most obviously in technology—have taken place at an accelerating speed, human life and society changing far more in the last hundred years than they did between A.D. 900 and 1000.

Within this overall framework, Blainey takes a fairly steady approach to chronological progression. He backtracks when he has to pass from one continent to another: Europe to China, Australia to Africa. He pauses now and then to ruminate on generalities: disease, slavery, witchcraft, the influence of the night sky on the human imagination. These ruminations aside, he maintains a measured narrative pace

and his book hangs together well. It is, in fact, a very good read. A well-informed person will not find much here he does not already know so far as the sequence of events is concerned, but will come away with new insights on the reasons why things happened when they did. I had no idea, for example, that dyes were so important in the opening and development of Brazil. "The juice [of the brazilwood tree], prized by dyers in Europe, was applied to wool, cotton, and silk. ...With the aid of numerous boilings and dyings of the wood, various incantations and the adding of a dose of stale urine or ox gall, they brought forth a variety of reds, scarlets, and purples."

ON OCCASION THE AUTHOR DESCENDS from normal cruising altitude to examine some particular brief period in detail. These episodes are, I think, well-chosen, and his summary of the events in them clear and judicious. The birth of the United States, for example, is covered in seven pages, one of them filled with a map. Blainey makes this look easy, which of course it is not, requiring some background information on concurrent events in Britain, France, and Spain, as well as on the state of development of political thought in the late 18th century.

In the emerging of the United States of America, the South American nations, South Africa, Canada, and Australia the unforeseen mixture of events was especially powerful in the final decades of the 18th century. Many of those events pirouetted around the fortunes of France, whose influence was as decisive when it was losing as when it was winning wars.

The early years of Christianity get similarly detailed treatment; likewise the rise of the Mongols, the Reformation in Switzerland, and a few other key events.

Once the story gets very close to the present day, it is of course nearly impossible to pick out single events of enduring significance, with a scattering of exceptions like the moon landings. (I was astonished recently, reading some 19th-century materials, to learn how large the Schleswig-Holstein Question loomed in European minds 150 years ago. It is now utterly forgotten, even by the inhabitants of Schleswig and Holstein.) Blainey wisely restricts himself to a few obviously important developments of these past few decades: the failure of independent African nations, the economic successes of East Asia, nuclear proliferation, the dominance of the English language.

The temptation for the writer of this kind of book is to lapse into some large all-encompass-

ing theory about the development of humanity. History is driven by climate, disease, technology, religion, or "modes of production." Human societies are either "communities of will" or "communities of obedience." (That was H.G. Wells.) The great despotic empires were "hydraulic" in origin, organized around the need to mobilize great masses of manpower for water-management projects in regions of unreliable rainfall. (Karl Wittfogel.) History is the working-out of divine Providence (Raleigh), or it is the unfolding of a metaphysical dialectic (Hegel), or it is slow-rising cycles of civilizational rise and decline (Toynbee), or it is chance encounters between human societies and domesticable fauna (Jared Diamond).

Blainey has kept this temptation at bay very successfully. It is, of course, often possible to detect underlying causes for historical processes, but Blainey has struggled to keep these various factors in proportion and not put forward any one of them as all-dominating. I found myself liking this book a lot. There is a matter-of-fact plainness about it that struck me as bracing, though I can see that another reader might think it dull on that account. In this sense it is very "Australian"—clear, forthright, and unimaginative. (I am using that last word as a term of approval here.) Blainey's style is "flat" and unadorned, of the kind that George Orwell said was his ideal: "transparent as a window-pane." I never felt that Blainey was trying to put anything over on me or sell me a bill of goods. He does not strive for political correctness, but neither does he make a point of shunning it. There are sensible passing comments on, for example, the improving attitude towards women's rights in the 19th-century United States.

There is nothing ostentatiously P.C., either, about Blainey's treatment of lesser players in this great drama. To this aspect of things, he brings the great advantage of long acquaintance with the most primitive of all peoples, the aborigines of his own country, the subject of the 1976 book I have already mentioned. The book gives serious, but not exaggerated, attention to the early populating of Polynesia, Australia, New Guinea, and the Americas, with proper respect for the ingenuity and boldness of these primitive explorers, but no tall tales about their being intellectually superior to modern city-dwellers, of the kind Jared Diamond insulted us with in *Guns, Germs and Steel*. We get good accounts too of outliers like the Viking settlements in Greenland, the Maya of Central America, and the Indus valley cities of the Bronze Age.

Where Blainey shows a preference for underlying causes, they are mainly geographical. This tendency in his writing goes all the way back to his 1966 history of Australia, titled *The Tyranny*

of *Distance*. Blainey's argument in that book, repeated more briefly here, is that the main determinants of Australian history were, first, its distance from the colonizing nation, Britain, and second, the immense distances within Australia herself, relative to her population. (Even today, Australia has less than seven people to the square mile. The United States has 78; France, nearly 300.) This geographizing tendency sometimes leads Blainey into questionable judgments.

Madagascar and New Zealand were the last two sizeable areas of habitable land to be discovered and settled by the human race. Perhaps Madagascar was the more important of the two, for in area it was more than twice as large as New Zealand. Triumphs in the history of human seafaring, both were part of a saga of discovery and migration which was virtually completed by AD 1000.

Triumphs, indeed, but Professor Blainey may be the first person ever to describe Madagascar as being important. Until Tananarive or Farafangana produce an Ernest Rutherford, I would give New Zealand preference in this particular comparison.

SO FAR AS ERRORS ARE CONCERNED, A *Short History of the World* passed the only test an average reader can apply: when it dealt with topics I myself know very thoroughly, it did so accurately. It does seem a little unfair that the only Chinese poet mentioned by name is Hsieh Ling-yun, remembered by Chinese readers mainly for a passing reference to him in a poem by the far greater genius Li Po. A case can be made for this kind of thing, though: literary excellence is not the same thing as historical significance. (And Blainey subscribes to the common fallacy that the expression "When I hear the word 'culture,' I reach for my gun" was Göring's. No: it was first uttered by a character in a play by Hanns Johst, Hitler's court dramatist.)

Omissions are negligible, given the ruthless selection Blainey had to apply to get his subject matter into the space allotted. I wish he had said something about the contribution made to the development of Chinese Buddhism by Greeks, or at any by rate Hellenized Bactrians and Sogdians, at the far eastern extremities of Alexander's empire. Also, the explosion of the Mediterranean island of Thera in 1628 B.C. had tremendous consequences all round the world—it may have ushered in the Shang dynasty in China. This would have made an interesting point, and would have fit well with the geographical theme. I should have thought, too, that the Crusades deserved at least a paragraph,

if only for the lasting impression they left on the minds of the Arabs.

My only complaint on points of style is to wish Blainey had given freer rein to his wit, which is very effective in the few occasions it appears. Here it is, for example, in his account of the French Revolution: "By July...a mob was running loose in Paris. In the next month the French assembly issued a declaration of 'the rights of man.' Such declarations, to be almost a monthly event in some years of the late 20th century, were a rarity...in the 18th...."

"The tyranny of distance"; "black-armband history"; as these examples show, Blainey has a knack for coining memorable phrases. One I particularly liked in this book was "the pale empire of ideas." This is the term he uses for the spread of a nation's influence by means other than brute conquest—through religion, technology, styles of art, and intellectual fashions. Blainey employs it to describe the world-wide impact of the United States in the 20th century.

The power of the United States depended heavily on its pale empire of ideas, attitudes, and innovations. Its ideas alighted effortlessly on foreign ground, irrespective of who owned the ground. ...Its influence came through jazz, cartoons, Hollywood, television, and popular culture. Its influence came from an excitement about technology and economic change, and a belief in incentives and individual enterprise. It was also the most ardent missionary for the creed of democracy. While military and economic might was vital to the success of the United States, the power of its pale empire of ideas was probably even more pervasive.

True, of course, but I wish Blainey had found space to describe the other side of this particular coin, one very much on our minds nowadays. The overwhelming influence of American culture and attitudes on the rest of the world has, perhaps inevitably, generated its own dark companion: an anti-Americanism far stronger and more menacing than the incoherent *Yanqui Go Home!* truculence of 50 years ago. This hostility in foreign places is fortified by, and in a few cases actually allied with, certain poisonous intellectual fads here at home, of which "black-armband history" is only one manifestation.

Ever the geographer, Professor Blainey concludes his survey with some speculations on the possibility of a single world government. (It is interesting to note that H.G. Wells ended *The Outline of History* on the same note, though coming from different premisses and with a different attitude to the desirability of this outcome.) Rome in its heyday, Blainey tells us, might have conquered India or even China, but could not possibly have held them for long. "Hitler, if he had been victorious, probably could not have controlled the whole world... Today, as never before, it is possible for one strong nation to control the whole world."

I am not sure that this is true. Respectable sinologists speculate in the pages of our newspapers as to how long the People's Republic of China (essentially a re-assembling of the old Manchu empire) can hold together in its present form. This, and the recent fate of the USSR, do not suggest that a modern style of despotism would have much success at governing the entire world. For the prospect of the thing being done democratically, one need only glance at the mounting difficulties being faced

by the European Union, and indeed at the slow diminution of democratic accountability therein. I doubt that we are any closer to World Government than we were in H.G. Wells's time, and I hope that we are not.

What we *are* closer to is a world in which the mixing of peoples has gone far beyond anything seen in past ages. In Europe, North America, and Australia there are now settled large numbers of immigrants from places whose cultures have nothing in common with the host nation's. It is not unlikely that, for reasons of demography, countries like Japan and China will likewise have to import millions of aliens in coming decades. Population mixing on this scale is not altogether new, as witness the black African component of countries like Brazil and the U.S. as far back as the 18th century; but it has never before occurred when the dominant ethic everywhere is one of human equality and civil rights. It is possible that we shall manage this well, and end up with a world of coffee-colored meritocracies. I should be very glad to see that happen. Not all the signs are good, though. Some of the news coming in from the human and biological sciences suggests that the differences between human populations long isolated from each other may go deeper than mere culture. The biological diversity of the human species, to which all right-thinking moderns are taught, from the cradle, to turn a blind eye, may turn out to be the great determinant of human progress in this new century.

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THE LOST SCIENCE OF POLITICS

THE VAST MAJORITY OF PROFESSIONAL political scientists align themselves with liberal causes and the Democratic Party. Beyond this surface unity, the discipline is adrift.

As a profession, political science is extraordinarily comprehensive, possessed of many parts, and strangely silent as to what the whole amounts to. Compared, say, to Aristotle's *Politics*, which begins by spelling out the architectonic political good in terms of justice and happiness, the American Political Science Association (APSA) oversees and promotes chaos—er, pluralism. The APSA's most recent national meeting, for instance, listed 46 different organized sections, and not one of them mentioned justice, good, or happiness in its title.

Take a recent issue of the *American Political Science Review* (APSR), the profession's flagship journal. In his inaugural issue (Vol. 96, No. 1), editor Lee Sigelman, professor of political science and Columbian Professor at George Washington University, makes explicit what is obvious to any APSR reader, that "any real coherence in political science exists only at the broadest conceptual level." This might be thought to be a problem for a journal that seeks to communicate across a discipline, but it doesn't much bother Sigelman, who is content with the modest editorial ambition to "showcase" all the different things going on. Well, there is much to be modest about. The APSR, in the absence of a particular political science goal, end, or intention, is a kind of political science five-and-dime.

The articles provide a look into what is going on in the profession as a whole, the book review section into what is happening in the subfields. The issue contains ten articles and an exchange; the political theory book review section, to take one subfield as an example, contains reviews of thirty-two books. The articles immediately reveal something curious. The lead article, the presidential address of Robert Jervis, Adlai E. Stevenson Professor of International Politics at Columbia University, at the 2001 APSA convention, reviews the implications of what the international relations literature terms "the democratic peace." Without going into the details of this notion—that democracies do not war on one another, which, in a democratically tending world, implies the diminishing likelihood of war—one may say that Jervis's argument

seems starry-eyed as we leave the bloodiest century in history and troops begin deploying in the Mideast. For our purposes, however, even more surprising is that the next article is on "the dictatorial peace," and makes the point that some types of dictatorial regimes tend not to war upon one another. It is an easy leap to conclude that, if one's cause is peace, there is little difference between democracies and dictatorships. Neither article is much help in pondering what might be worth fighting to preserve or what might be sufficiently pernicious to warrant attacking—that is, the issues which dominate current political debate. Professional political science, on the evidence here, could hardly be further removed from that debate, or from what a political regime ought to require.

The tendency to work at cross-purposes, repeat the obvious, and shrink from relevance, marks the rest of the articles as well. We are told that politicians distribute governmental largesse with an eye to influencing voters; that parental influence on young voters is great at first but lessens over time; that for most people social context, that is, friends and family, influence voting more than the media—this by four celebrated senior political scientists who dispose of untold amounts in research grants. Furthermore, we learn (if that's the right word) that when we know we are being manipulated, manipulation is less successful; that many Americans receive their information on foreign crises by way of soft-news shows, e.g., Oprah; that people surrounded by folks much like themselves will likely be less aware of the arguments of other type folks; that voters hold their representatives accountable for their votes, and legislators know that; and that, according to exquisite mathematical analysis, the movement away from the president's party in midterm elections is explained by voters having seen that their preferences and those of the president's party differ.

Independently, the various articles are neither threatening nor particularly offensive, but as a group they point to how little political scientists have to say. The proposition that most everyone, dictators and democrats alike—Saddam Hussein, one suspects, fails all models—prefers peace to war sets the stage for the vacuity to come. What we get is a series of scattered observations without a hint of hierarchy. Thus in the one place in the journal that expressly attempts cross-communication—in the "exchange"—the

argument is entirely over models. Technique is the only thing left to argue about.

THESE PROBLEMS DO NOT ENTIRELY elude political scientists. Indeed, a recent reform movement launched by an anonymous "Mr. Perestroika" and conducted largely by email has had some apparent success. Attacking the "extreme methodological bias" of the APSR and other official organs of the profession, Perestroikans (as they're called, lamely) demonstrated (by counting!) that in the major journals, articles based on statistical research and mathematically-backed models had almost wholly eclipsed "qualitative" research, i.e., research that does not depend upon statistics or modeling but upon, say, reading old texts and documents. Sigelman's statement that his APSR will "showcase" all varieties of professional work is already a concession to the critics. But the APSA has gone farther, approving a new journal, *Perspectives on Politics*, the stated purpose of which is "to open up the discipline of political science." Still, Perestroikan success is not entirely comforting. It's not clear that what the Perestroikans, a movement with a postmodern tilt, have to say is much different from the profession at large, or that their work is weightier than that of their more scientifically inclined brethren.

Such doubts are reinforced by the example of contemporary political theorists, who can claim immunity to fallout from the profession's methodological disputes but still do not seem to produce much that is substantial or has broad appeal. In the book reviews in the APSR political theory section, one looks in vain for a common thread either in the books reviewed or the reviews themselves. As John Gunnell puts it in one review, today's political theorists may try to "celebrate how eclecticism has enlivened political theory," but when they try, as they must, to indicate "some sense of unity and continuity," all they find is some sort of "unspecified family resemblance."

Judging from the APSR, the seriousness once associated, at least potentially, with political theory is largely dissipated. This has a number of effects. First, in today's political theory, the struggle over the canon would seem to be decided in favor of the non-canonists. Among the reviewed books in our issue, for example, only Rousseau of the old canonical authorities is mentioned in a title, and he only once. Along the same lines, and not until the sixth review, is

there mention of Aristotle, and that is largely dismissal. The only thing bordering on a common concern is a loose sort of interest in democracy, which figures in seven book titles. America and justice appear in one title each, giving them parity with cinematic political thought (one title) and cultural studies (one title), and placing them behind sex (three titles).

But numbers and titles do not tell all the story here. For a start, so-called diversity rules. Books solely authored by women are reviewed by women (five) but books by men can be reviewed by women (six). Second, trendy subjects rule. The first five reviewed books focus upon teledemocracy; homosexuals (by a good margin, the longest review in the section); feminism; cultural studies, which seems to mean tabloid studies; and "the Ordinary," which, if the review is accurate, represents *People* magazine raised to metasociology.

A third feature of the books reviewed is that the authors, and sometimes the reviewers, blow their own horns. They devote themselves to subjects that exist for or are of interest only to them-

selves and their fellow partisans. For example, several books deal with the politics of people who fall under the newly empowered acronym LGBT (lesbian, bisexual, gay, and transgender). They favor introducing "an antihomophobia and/or proqueer ethos of solidarity into American society," which in its obliviousness to individuality would not commit the *faux pas* of treating LGBT studies as particularistic. The latter sin would be "nothing more than the latest version of homophobic pathologization and erasure."

Another theme in these books, of course, is resistance. A number of them share an animus towards common elements of our politics, for example, regard for representative democracy and for the family. On the basis of her reading of the LGBT studies, for instance, the reviewer calls for a "retooling" of power relationships and gives as her only example the family. Similarly, the feminist book proposes that women be released from bondage "to the state as wife and mother within the traditional heterosexual family." Finally, two books add the shakiness of our political foundations to the list of concerns. One

looks back to the "conspiratorial tone" of the Declaration of Independence as unsettling to any certainty of who holds "legitimate power" in America. The other, fastening on the more up-to-date, suggests that the film *Independence Day* speaks to a "crisis in American national politics that is precipitated by the decline in confidence in our system of representation generally."

These examples will be easy to laugh off for most of us, I imagine. But a not so laughable problem attaches to them. There's a vacuum at the core of today's political science and political theory, caused by the absence of an understanding of what politics itself is. To fill this vacuum, the best our political scientists and theorists have to offer is self-involvement, technique, and empty abstractionism. Good articles occasionally appear in the *APSR* and there are good books among those it reviews but, on balance, things are in a sorry state.

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Book Review by Peter Augustine Lawler

LAST MAN STANDING

Richard Rorty, by Alan Malachowski.
Princeton University Press, 200 pages, \$17.95

RICHARD RORTY'S WRITING IS FULL OF those vices we Straussians (if you will permit me) love to hate—relativism, historicism, easygoing atheism, anti-philosophic rhetoric, vapid leftist political opinions, uncritical progressivism, and seemingly a general indifference to virtue. It's true he claims to love America with the intensity of a redblooded chauvinist, but it's not the America of the founding or of Abraham Lincoln. It's the Hegelian-Whitmanesque America of the future, an America full of "moral narcissists" immersed in their private, idiosyncratic fantasies, who only find solidarity in their shared aversion to cruelty—a word that Rorty virtually identifies with acting on the thought that morality *isn't* a private fantasy.

Nevertheless, in his book on Rorty for Princeton's "Philosophy Now" series, Alan Malachowski shows that in many respects Rorty towers over his fellow professors of philosophy. Rorty has exposed to anyone with eyes to see the

empty epistemological concerns of our analytic philosophers. As Malachowski observes, "Rorty displays endless patience and imagination in trying to ensure that pragmatism looks like the 'natural successor' to analytic philosophy, the remedy for all its deficiencies." He has convinced me that Rorty's pragmatism has already remedied some of these deficiencies.

Malachowski revels in his liberation from his analytic straitjacket, and he reports that he is not alone: "In point of fact, many more analytic philosophers are taking Rorty's lead and actually reading thinkers like Heidegger, Foucault, and Derrida while at the same time retracing their historical steps to determine whether such key figures as Hegel and Nietzsche should have been marginalized." These may be small steps, but they are real steps, toward once again taking the major figures in the history of philosophy seriously. They may also be slowly repeating what Rorty calls his "turning away from philosophy as a distinctive activity altogether, and towards

the ordinary world—the problems of men and women, freshly seen by discarding the distinctions which the philosophic tradition had developed." That turn reminds us, if only vaguely and incompletely, of an experience of Leo Strauss. On balance, Rorty seems to have improved professional philosophy in America by making it, as he says, "less pure," as well as "sexier" and better written. Reading Rorty is a much greater pleasure than reading, say, John Rawls.

That's not to say, of course, that Rorty accepts the Straussian injunction to try to understand the thinkers of the past as they understood themselves. Nor does he follow Heidegger in trying to think what they presupposed or left unthought. Pragmatically rejecting the distinction between truth and utility, Rorty characteristically caricatures the thought of others in order to further his own agenda. He writes of his "antagonism toward Platonism," which is quite different from an antagonism toward Plato. Platonism is the dualistic effect Plato's thought had on "the his-

tory of Western philosophy," and not what the "genius" who wrote dialogues actually thought. Rorty tries to turn Platonism from a pernicious into a useful distortion.

He treats his favorite anti-Platonists, John Dewey and Martin Heidegger, in much the same way. He, in effect, has those two anti-dualistic and anti-metaphysical thinkers educate each other. His Heidegger teaches Dewey that his faith in the scientific method cannot be sustained if science, like everything else human, is a contingent historical product. Rorty's Heidegger, in turn, learns from Dewey's many and varied analyses of human experience, none confronting the experience of one's own death. His Heidegger describes the temporal and contingent character of human existence without being bothered by the abyss. Actually, Rorty attempts to save Heidegger from a contradiction: The German seems to have proved that philosophy is no longer possible, but he insists we must still philosophize, because thinking is what distinctively human beings do. Rorty contends that Heidegger's deepest worries were unfounded. Philosophy, in fact, has more or less disappeared, but the West and its distinctive kind of human being live on.

ROUGHLY SPEAKING, RORTY MARRIES American pragmatism with European existentialism, and the union is at the expense of what is the source of truth and moral seriousness—science and death, respectively—in each one. Rorty can affirm the technological Americanization of the world—the use of scientific knowledge to make us free and comfortable—while rejecting the "truth" of scientific claims for knowledge that would make us uncomfortable. We can have the benefits without the burdens of modern anti-Platonism or atheism. Our hopes can no longer have anything to do with theological, scientific, or philosophical truth. But we can still hope for a better world. The truth about nature or Being is not really at the foundation of the conquest of scarcity by the market economy, modern medicine's alleviation of human suffering, the compassionate institutions of the welfare state, or our decision to stop cruelly persecuting gays.

Rorty, Malachowski observes, "has a consistent flair, bordering on genius, for appropriating the work of other philosophers." He is very good at using them to further his agenda, which is to continue the Enlightenment project of reducing human cruelty and suffering. Rorty says his critics are wrong to portray him as "a mindless and stupid cultural relativist," and he often writes against the stupidity of multiculturalism. For him, the "cultural" or spiritual objections to the success of bourgeois liberal democracies in the modern West have no weight. Rorty's apparent

relativism really opposes the inhuman pretension that there's some universal—divine or rational—perspective from which we can look down on the real achievements of particular human beings in a particular time or place. We intellectuals need to curb our pride and our tyrannical impulses through an ironic awareness about how contingent—or historically conditioned, but still idiosyncratic—our "esoteric" claims for superiority are.

To aim higher than the amelioration of misery is cruelly to use the rhetoric of religion or philosophy, in order to impose one's power-driven fantasy on others. To aim lower is to be inhumanly insensitive (actually, Rorty suspects that other animals may share this sensitivity) to what we can feel for others even before we can speak. We should use language to arouse and expand this feeling or sentiment and diminish the tyr-



anny that comes with rational, public claims for truth and virtue. Our goal as writers should be to say what we can to make a free and comfortable bourgeois life available to as many human beings (and eventually as many primates) as possible, to contribute to the general trend of modern, sentiment-driven progress. Rorty spends much of his rhetorical energy unmasking the anti-bourgeois ire, Left and Right, as merely ire.

A shortcoming of Malachowski's fine book is that he hasn't noticed Rorty's increasing attention to Strauss and to Straussians such as Allan Bloom, Francis Fukuyama, and James Ceaser. Another piece of evidence for Rorty's liberation from the constraints of professional philosophy—a liberation Malachowski doesn't quite share yet—is that he thinks the Straussians are formidable enough to be ironized, to be joshed into not taking their devotion so seriously. So allow me to consider whether we Straussians might learn something from Rorty about how to lighten up.

The Straussians, according to Rorty, have "the hope of creating a society whose hero is Socrates," and their efforts will save "what Heidegger calls 'Western metaphysics.'" The Straussians fear as much as Heidegger did the coming of "the end of history," which would be "the beginning of a nihilistic wasteland in which bourgeois

freedom and bourgeois happiness may become universal but there are no appreciative readers of Plato." For the Straussians—as for Nietzsche, Heidegger, Alexandre Kojève, Strauss, Theodor Adorno, and so forth—bourgeois culture "is the contemporary counterpart of the culture that put Socrates to death." It is the culture of "Nietzsche's 'last men.'" Rorty says that we intellectuals now have to ask whether "we are more interested in alleviating misery or creating a world fit for Socrates, and thus for ourselves."

A STRAUSSIAN OBJECTION TO THE LAST man's life of contented immersion in idiosyncratic fantasies—the mindless relativism criticized by Bloom—is that Socrates (or Bloom) would be miserable in that world. Socrates' "dialectical method" depends on a world in which most people are somewhat miserable and somewhat moralistic. Straussians do sometimes say that misery and cruel morality are goods because they are preconditions for philosophy, a form of pleasure or happiness that most people will never enjoy. That is, they sometimes tend to agree with Rorty that moral virtue and religious belief are not goods in themselves.

Rorty notices that some Straussians do call for a reestablishment of philosophy's authority over liberalism through a vindication of Socrates' way of life, above all others. But some Straussians also share Rorty's suspicion that there's something tyrannical or at least unrealistic about making the role model for us all an irresponsible man who seems to confuse leisure and work, is a very questionable and sometimes perfunctory citizen, makes fun of religion, and finds little to no fulfillment in family life. Does Socrates provide sufficient guidance for us parents, friends, lovers, citizens, creatures, workers, and needy individuals? Does his conception of the self or soul really comprehend our dignity as beings compelled to live morally demanding lives at least somewhat in light of the truth? Rorty is not completely wrong to be ironic about the claim that Socrates is *the* cure for what ails us.

The Straussians, Rorty says, go even further: "They tend to agree with Kojève that if we give up on 'the Platonic-Hegelian ideal of the Wise Man,' if we deny 'the supreme value that is contained in Self-Consciousness,' then 'we take away the meaning of all discourse whatsoever.'" Rorty identifies the point on which Strauss and Kojève agree, but he misleads us by not distinguishing between the Straussian and Hegelian (or historical) views of self-consciousness. And does Rorty understand Kojève's irony? The result of that ideal of wisdom being achieved historically, according to Kojève, is the disappearance of human self-consciousness altogether, a development that Kojève would not lament. He claims that

humans are historical beings—contingent and temporary cosmic accidents. Once we see that we, as historical or temporary beings, are defined by death and nothing more, then we are ready to die or disappear as self-conscious beings.

So Rorty and Kojève actually agree: Once we see that everything human is defined by time and chance, we are ready to become nothing more than clever animals. Rorty's polemic against self-consciousness is from the perspective of a wise man who can see through human illusions about God, nature, morality, philosophy, and even history. The real desperation implicit in his strategy here might move us Straussians—who see the dogmatism in what passes for Kojève's historical wisdom—to tell Rorty to lighten up.

He shares the historicist illusion of Nietzsche and Kojève—and, to tell the truth, of some Straussians—that the “last man” is possible. But some of us Straussians see that we have every reason to believe that human nature will triumph, as it has triumphed, over every human effort to eradicate it. We can't really fight or talk or even drug and genetically manipulate the cruelties and

miseries (as well as the joys and greatness) of human self-consciousness away. So we can't help being moved strongly and deeply by love and death.

Rorty's rhetoric or linguistic therapy, in truth, actually makes us more miserable, because it deprives us of the words that correspond to all our experiences without really making the uncomfortable ones go away. Today, bourgeois Americans mouth something like Rorty's platitudes while being more death-obsessed than human beings have ever been. They're obsessed with their bodies because they believe they don't have souls. Their physical comfort and personal freedom are little compensation for the difficulty they have articulating and pursuing the goods that really constitute human life. They try but fail to replace truth with comfort, and so they remain restless and anxious in the midst of their pleasures. We bourgeois Americans are not really much like Nietzsche's last men at all.

Here's Rorty's funniest and most reasonable comment about Kojève: “Redblooded Americans like myself resent Kojève's claim that ‘the final stage of Communism in the postwar

United States does indeed, as it must, reduce man to animality.’ But even apart from his snobby preference for samurai over salespeople, and for Stalin over Eisenhower, Kojève's off-hand nuttiness gets tiresome pretty quickly.” It is, in fact, nutty to say that our salesmen and presidents are no longer human beings—but that's because they do not and cannot consistently prefer comfort to truth. Rorty's remark would be funnier if he himself had said anything good about the opinions of businessmen or Republican presidents, but he has the typical academic progressivist's contempt for the opinions of actual members of our bourgeoisie. Say what you will about us Straussian Republicans, we are willing to defend the somewhat pedestrian but still quite real moral and religious lives of average Americans—including average presidents—against theoretical elitism.

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Book Review by F. Carolyn Graglia

WEDDING BELL BLUES

The Marriage Problem: How Our Culture Has Weakened Families,
by James Q. Wilson. HarperCollins, 274 pages, \$25.95

IN CONCLUDING HIS EXCELLENT OVERVIEW of the state of marriage and family in America today, social scientist James Q. Wilson wonders why American elite culture appears to prefer a post-marriage society like Sweden, “where unmarried couples care for children and the state pays money to help them do that.” A better model, he suggests, would be Japan, where “shame remains a powerful force for controlling behavior” and “crime, drug abuse, and out-of-wedlock births are all remarkably rare,” while the divorce rate is one-third of ours. Why do so many in our culture willingly embrace liberated cohabitation over committed wedlock? *The Marriage Problem* finds the answer mainly in two factors.

First, the Enlightenment led to a “redefinition of marriage as an agreement between two people with individual rights rather than as a partnership made sacred by law, custom, and God.” In a superb analysis, Wilson traces the rise of modern marriage from medieval times to the present, showing how the fruits of the

Enlightenment have engulfed us. By replacing “a sacrament with a contract and then a contract with an arrangement,” society made marriages weaker and children more vulnerable in today's ubiquitous single-parent families.

The second factor is the effect of slavery. The low marriage rate and high illegitimacy rate among African-Americans today, says Wilson, are partly attributable to the legacy of the African culture from which the slaves came. In this culture, polygyny was common and one's clansmen were more important than one's father, who was often unwed and absent. But Wilson rejects the view of many historians who claim that slavery did not destroy the African-American family. Slavery, he suggests, bears much responsibility for today's serious problem of the “two nations”: in one nation, a child is raised by two parents and in the other, “a child is raised by an unwed girl” and “lives in a neighborhood filled with many sexual men but few committed fathers.”

Whatever the extent of slavery's impact,

the fact remains that although single-parent-hood was always more common among blacks than whites, it increased tremendously among blacks, and to a lesser extent among whites, from the 1960s on. The legacy of slavery can hardly have affected blacks more in the 1960s than in the 1880s, and it cannot explain white behavior at all.

Wilson paints a grim picture of marriage and families today: one-half of marriages end in divorce; one-third of children are born out of wedlock; and marriages are declining despite overwhelming evidence that married people are happier, healthier, and wealthier than the unmarried. Contrary to past history, men are refusing to marry the women they impregnate. Among those aged 25-34, “more than two-thirds of all white men and women but less than one-third of black men and women are married,” and “educated, affluent African-American men are no more likely to marry” than poorer ones.

In painting this grim picture, Wilson also unflinchingly states facts that many would like

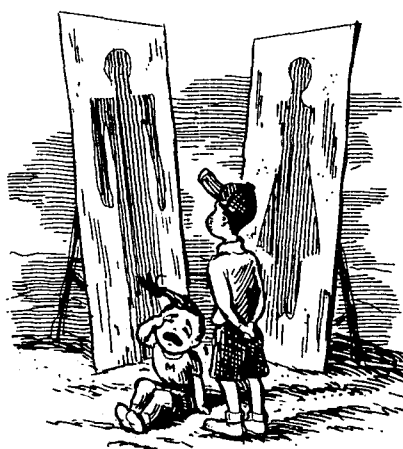
to deny. By numerous measures of well-being, "children in one-parent families are much worse off than those in two-parent families even when both families have the same earnings." The popular 1996 Welfare Reform Act has the drawback of telling "young mothers to be employed, away from their children for much of each week," so that they "will be raised by somebody else" (this is also the fact when any mother enters the workplace). As women "work independently of the family" and "personal income now flows to each working person rather than to one united family," the family "must lose some of its value"; "marriage does not offer much to the father and mother" if children "can be raised by a nanny or a day-care center." "Working women, once married, are more likely to go through a divorce than those not working."

Yet he presents these devastating facts with a seeming sense of resignation, as if he believes we are determined to continue following a path laid out long ago that leads inexorably to a post-marriage society. Our problem, Wilson advises, is "to find a way whereby marriage is restored," but he denies that the government can help much: "That effort must be done retail, not wholesale, by families and churches and neighborhoods and the media, not by tax breaks or government subsidies." Though he's correct that the motivation for change must well up within the culture, accomplishing change often requires reform of the laws that contributed to the problems.

ALTHOUGH WILSON WANTS TO MINIMIZE the effect of the 1960s, our families were far better off in the 1950s than today, and the feminist movement, for one, deserves more immediate blame than Voltaire, although he may be the movement's spiritual forefather. It was feminists who undertook, with great success indeed, to model our country on Sweden, and legislation was an important tool in their quest. Wilson states that feminists gave the enactment of no-fault divorce laws "hardly any notice." In fact, the movement's leaders saw these laws as crucial to achieving their goal of forcing homemakers into the workplace by denying them the social and economic security afforded by strict divorce laws. The staunchest opponents of current efforts to reform no-fault are feminists, who argue that if given a choice to return to a traditional sex role within the family, too many women would make that choice. No-fault must be retained, they insist, to deprive women of that

choice and keep them in the workplace.

Wilson recognizes that the family must protect itself against the fact that the "mother-infant bond will be tighter than the mother-father bond." Past societies provided this protection, he says, "by embedding marriage in an elaborate set of rules designed to protect the fragile parts of marriage from the interests of a wandering male." The most important rules were those making divorce difficult to obtain. Many of Wilson's sources demonstrate that the happiest and longest-lasting marriages are those in which the spouses believe that divorce should be difficult and rare. By enacting strict divorce laws, government teaches its citizens that marriage



should be a permanent commitment, the precise opposite of the lesson taught daily by our current regime of no-fault divorce.

In addition to divorce reform, there are other ways that government can help solve the marriage problem. Through various subsidies, government now encourages use of the paid childcare that feminists advocate. Supporters of traditional families should seek to have any government aid go to all families, not just to those that pay others to care for their children.

Countless other laws, enacted at the behest of feminists, have contributed to the development that is at the root of the marriage problem—the deterioration of males. Lionel Tiger analyses this in his book, *The Decline of Males*, which documents what he identifies as today's pattern of growth in the confidence and power of women and of erosion in the confidence of men. Among the crucial aspects of the decline of men and ascendancy of women that Tiger describes are the facts that more women than men are now completing high school and graduating from college, women as a group are working

more and earning more, and men are working less and earning less. Fostering this decline are laws requiring preferential treatment of women in education, workplaces, the military, and the awarding of government contracts. The decline is promoted also by laws requiring the feminization of our schools and by the perversion of Title IX of the Education Amendments of 1972, in effect promoting elimination of many male athletic teams in high schools and colleges.

FINALLY, AS WILSON EXPLAINS SO WELL, the sex ratio—the number of men per 100 women in a society—is critically important in determining the fate of marriage. A low sex ratio—fewer men than women—causes a decline in marriages insofar as "many women will settle for less than what they had hoped for by never marrying, accepting casual offers of sex from men who offer no marital prospects, or producing babies without being married to their fathers."

This is our situation today. Since women usually marry men who are somewhat older, more educated, and more affluent than they, and since far fewer men are graduating from college or are employed than previously, the sex ratio has dropped significantly. The sex ratio was about 100 in 1940; it was 95 in 1970. But if you confined the population figures to unmarried white men between the ages of 23 and 27 and unmarried white women between the ages of 20 and 24, the sex ratio in 1970 was only 67. In 1950, there were twice as many men as women in college, but in 1997, there were only 79 men for every 100 women. By the time college-educated unmarried white women reach the age of 30, there are only half as many unmarried men of the same age and education. Overall, African-Americans have a lower sex ratio than whites; by 1970, there was about one young black man for every two young black women.

Increasing the ratio is critical to solving the marriage problem. And combating the numerous feminist-initiated attacks on men's social position is crucial to increasing the sex ratio. For those endeavoring to restore marriage—through legislation, when possible—Wilson's thorough and very moving account of today's familial distress and its causes is a welcome source of information and supporting argumentation.

F. Carolyn Graglia is the author of *Domestic Tranquility: A Brief Against Feminism* (Spence Publishing Co.).

VANITY OF VANITIES

The Good of Affluence: Seeking God in a Culture of Wealth,
by John R. Schneider. Eerdmans, 233 pages, \$24

YOU WILL NOT FIND THE GOOD OF AFFLUENCE in the self-help section of your local bookstore, next to such titles as *Sex and Longevity* or *Drink to Your Health*. You will find it in the religion section. John Schneider, professor of religion and theology at Calvin College in Grand Rapids, has given us a Biblical study of affluence, and he finds more or less what the man of pious reflection and sound politics might expect.

The book opens with Schneider's discussion of the papal encyclical of 1891, *Rerum Novarum*. This, of course, means "of new things," and the encyclical concludes that industrial society is a wholly new world and therefore Christian economic ethics need to be applied in a holy new way. There are severe problems with the way industrial laborers have been treated by the system, but, despite these problems, the capitalistic system is not an inherent evil but a good thing. As we move on from industrial society to informational society, we get a lot of "new new things," as a popular book called them, that need to be similarly evaluated.

Schneider gives the impression that no wealth was ever really created before 1700. He tells us that the main basis of wealth was land, that when land is the main basis of wealth, "zero-sum" is to a more or less true description of the economic game, and that therefore before 1700 some of the ideas of the religious Left that we hear now might have had a lot more validity: for example, that as long as there are poor around us we shouldn't do certain things like art or national defense; or that the rich, those who have capital or savings, should all divest themselves of it.

Land is in some sense "zero-sum"—they're not making any more of it, except in the Netherlands. But there has been urban economic activity in Europe for almost 900 years, and in some other parts of the world for a lot longer, and to say that it didn't really create wealth seems foolish. Anyone who ever took a tour of the great cities of classical Greece and Rome would see a culture whose affluence was based on trade and not land alone. And besides, they might not be making more land, but they were growing things on it. Plants bear fruit. Livestock reproduce. That's growth! We should be wary of the notion that we are in a new dispensation as far as human nature is concerned.

Leaving behind his *novus ordo seclorum* suggestions, Schneider devotes several chapters to applying the Bible to the human condition. In Genesis, he finds that, contrary to popular claims, monotheism is not responsible for our ecological problems. He finds the Exodus wilderness experience—where there was enough manna for one day at a time—to be a spiritually valuable lesson, but not an economic model. (They were, after all, on their way to Canaan, where there was to be milk and honey instead of manna.)

He reviews Old Testament laws, like gleanings, the poor tithe, etc., and offers an excellent discussion of the Jubilee, the provision by which agricultural land returned to its original owners at the end of 50 years and could not be sold long-term. This has often been thought to be an argument against laissez-faire property rights and for redistribution of wealth. It was actually about maintaining the Holy Land. If the poor person were an Israelite landowner who had fallen on hard times, he benefited from the Jubilee; if he were an alien and stranger in the land, or a permanent slave—categories of people for which Old Testament Law is mostly quite solicitous—he did not benefit from the Jubilee at all and had to surrender such land as he had.

Moving from the Pentateuch to the Prophets, Schneider points out the specific nature of Amos's complaints about his corrupt society.

The political order was a monarchy gone over into tyranny, and the social economy (mainly based on marketing of commodities) was completely under the control of a ruling elite. These rulers of Israel were in the nearly omnipotent position of being able to set rates of taxation, fix prices, and generally bully their way around the economic precincts of the nation.... In a society of this sort power is concentrated in the monarch and it extends only to those who are favorably connected to the throne.

Much of Latin American and other Third World "capitalism" is like this. So are certain heavily regulated businesses, like real estate on the local level, in the United States. An obvious point, and one that Schneider fails to make, is that it is folly to try to trust the government to

be "able to set rates of taxation, fix prices, and generally bully their way around" on behalf of the poor and at the expense of the rich, as the Left tries to do. The inevitable result is not to eliminate the elite, but to create a new one.

"Alas," says Amos,

for those who lie on beds of ivory, and lounge on their couches, and eat lambs from the flock, and calves from the stall; who sing idle songs to the music of the harp, and like David improvise on instruments of music; who drink wine from bowls, and anoint themselves with the finest oils, but are not grieved over the ruin of Joseph!

But the problem is not affluence. The problem is that they are not grieving over the ruin of "Joseph," i.e., the two predominant tribes of the Samaria region, descended from Joseph. After all, David was not blamed for "improvising on instruments of music."

Proverbs strikes an interesting balance, both affirming that prosperity is often the reward for hard work, and at the same time pointing out that the rich have their problems too. Schneider discusses Proverbs 10:15, "The wealth of the rich is their fortress; the poverty of the poor is their ruin." But there is another verse: "The wealth of the rich is their fortress; they imagine it an unscalable wall." This text seems to be one of the keys to the Bible's understanding of the real spiritual problem of the rich. They see, consciously or unconsciously, their wealth as sheltering them against the problems of the world, rather than seeing God as their protector. Or maybe they do not even know that the problems exist.

SCHNEIDER NOTES THAT SOLOMON ASKED for wisdom, not riches, and that Job did not "plead to God for material wealth, but only for restoration of his integrity. God restores his riches anyway." *The Good of Affluence* invokes Ecclesiastes, too. And I must say, if I were preaching to a roomful of Silicon Valley entrepreneurs, or even maybe a Hollywood crowd, I would take that book as my primary text. It was written for people like that.

When he turns to the New Testament, Schneider offers an excellent discussion of Jesus,

whose poverty figures so largely in most discussions of Christian economics. Joseph sacrificed two doves, the poor man's option, at Jesus' dedication, partly because under the circumstances Mary carried no dowry. They soon got one, however, of gold, frankincense, and myrrh. Perhaps it should be emphasized that Jesus got to have a two-parent family. His legal and covenantal father, Joseph, was a *tekton*, which is usually translated "carpenter" but actually means something like "construction contractor." It is quite possible that he and his son got a lot of work at the nearby Roman planned community of Sepphoris. At any rate, Jesus was not of the poorest of the poor. He associated with tax collectors, who were outcasts but were certainly not poor financially.

The people of Israel faced, of course, plenty of "unjust structures."

At the top was the royal family of the despised Herod. His ruthlessness and political cunning was as legendary as it was profitable. One of Herod's favorite ploys was to take land from the people whom he distrusted and give it to proven loyalists. To these belonged the holy priesthood and all the riches that went with it.... We will comprehend the New Testament more fully if we understand that financial advantage in Israel often implied direct involvement with political evil and injustice.

At least today the government has to pay people something before it gives their land to someone else (though the government doesn't have to pay people if it just tells them they can't use their land). Jesus and His disciples benefited from Roman roads and the Roman peace, and Jesus validated the use of Roman coinage. Was He therefore a sinner by implication? Schneider opposes this notion of covenantal or social guilt, though one often hears such accusations today, directed especially against American Christians.

Schneider does a good job refuting another popular argument—the argument of "moral proximity." If Jesus were doing His work today, the image of every leper in the whole world could be broadcast to Him directly. Some would argue that this puts every poor person in the world

today in the same moral position, in regard to the affluent, as Lazarus on Dives' doorstep. Schneider shows why this is not the case.

Early Christianity, though it respected the poor, was not merely a movement of the poor. "The assumption that Christianity began as a movement among the rabble and social refuse of society gained credibility in the works of Nietzsche, Marx, and Edward Gibbon," and for Nietzsche and Gibbon this was a major argument against the faith. But many affluent people are named approvingly in the New Testament, from Lydia of Philippi to Joseph of Arimathea. Peter "left all," which implied that he had something to leave. His mother-in-law's house in Capernaum was frequently used by Jesus as a home base.

THE BEHAVIOR OF THE EARLY CHURCH in Jerusalem, as recorded by Luke, has given rise to heated ethical discussion, based especially on Acts 4:32-35:

All the believers were one in heart and mind. No one claimed that any of his possessions was his own, but they shared everything they had.... There were no needy persons among them. For from time to time those who owned lands or houses sold them, brought the money from the sales and put it at the apostle's feet, and it was distributed to anyone as he had need.

Peter's response to Ananias, however, makes clear that this common ownership was not the result of some cultic control.

Didn't [the piece of land] belong to you before it was sold? And after it was sold, wasn't the money at your disposal?...

Ananias had sold a piece of land and had donated part of the proceeds to the community; but he had claimed that he had donated the *entire* proceeds to the community. Peter makes it very clear that the church members had by no means automatically surrendered their property rights and responsibilities to the church. And, later on, John Mark's mother still had a house—she clearly did not liquidate it (Acts 12:12).

Schneider concludes the book by claim-

ing that "the culture of modern capitalism...is unusually suited to the expression of Christian virtues." Unusually? I'm still inclined to argue about that. He leans heavily on the recent work of Hernando de Soto, *The Mystery of Capital*, which argues that the poor of the Third World suffer from the lack of formal property law. Denied the legal ownership of property, the poor are deprived of the right to convert it into usable capital assets. In Schneider's tangled phrase, "they lack integrated systems of property law to validate real property by binding representation (something people in advanced nations take so much for granted that they hardly are aware of its powerful effects)."

While this is probably not the panacea Schneider and De Soto seem to think, the absence of legal property rights is surely an important unjust structure that we who would concern ourselves for the poor should pay attention to. And I might add that we in the West need to resist the temptation, especially at the local level, to surrender the control of private property to governments central and local—to abandon the rule of law in favor of the discretion of rulers—even though these temptations present themselves in the guise of personal peace and affluence, property values, and the environment.

John Schneider has written a good book, but his mistakes of omission (he overlooks important texts in First Timothy 6 and Proverbs) and commission render it less than excellent. He doesn't seem to understand that there are reasons to avoid conspicuous consumption that have nothing to do with the poor people starving in the Sahel. There is avoidance of worldly arrogance, there is good stewardship of money, there is the avoidance of debt slavery. The moral burden of our consumer society is not so much upon the really affluent as on those who aspire to the trappings of affluence and cannot quite afford them. Of this, we hear nothing from Schneider.

Still, the book is worthy so far as it goes. Interested readers may wish to know that a better, more thorough, though less Biblical volume on the same general subject is Dinesh D'Souza's *The Virtue of Prosperity*.

Howard F. Ahmanson is a member of the Claremont Institute's board of directors.

C O R R E S P O N D E N C E

Less is More

Dear Editor:

After her first meeting with Friedrich von Hayek, Margaret Thatcher reputedly said that she had found his observations fascinating, adding, "but he couldn't tell me what to do." Gerard Alexander's review of my book ("Interests Have Consequences, Too," Winter 2002) draws perhaps the central and least understood lesson of the Thatcher revolution: the importance of knowing, when the time comes, what to do and how to do it. Disengagement by government is much harder than intervention. It calls for exhaustive causal analysis, meticulous policy design, innovative political management and that greatest of gifts for leaders, an accurate imagination. As Alexander points out, the dependency culture created by incessant government intervention makes disengagement extraordinarily difficult. The fish-hook goes in more easily than it comes out. This problem exists to some extent in virtually all developed economies, and most notably now in the sclerotic Germany of Kohl and Schröder. As Harold Laski said 50 years ago, albeit from a Marxist perspective, "Vested interests do not abdicate before logic."

During the '80s, Britain's pitiful productive economy was almost completely reconstructed and is now the healthiest in Europe (which is not saying much). But the second stage of the Thatcher revolution, the reform of the welfare state, was barely started and has preoccupied—and baffled—the Blair government ever since the 1997 election. Large-scale intervention has become the governmental norm in most developed countries since the 1950s, though Britain was unusual in crippling its productive sector at the same time.

Intervening again, in order to ease this month's "problem," is a waste of time. The his-

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tory and dynamics of a collapsing UK National Health Service (or a Medicare, perhaps) must be understood as a whole, however imperfectly, before you can know where to start. That requires sufficient elapsed time and well-managed thinking by people who know what they are trying to do and have the analytical skills and mental stamina to do it. Their occasional systems jargon will doubtless irritate. But once domestic "regime change" is seen as the only option, a few insights from cybernetics will prove more useful than most of the political folk-wisdom learned from long years of interventionist failure.

John Hoskyns
Suffolk, United Kingdom

Political Honor

Dear Editor:

Adam Wolfson mostly praises Sharon Krause's *Liberalism With Honor* ("Honor's Call," Winter 2002), and is right to do so. Her attempt to rehabilitate honor for the liberal regime is admirable, and is no small task. As she has it, respect for honor has been in decline since the French Revo-

lution: an understatement, thinking farther back to that hero for a liberal age, Falstaff, for whom honor is only "a word," "air," a "mere scutcheon."

Wolfson's praise, however, may be overdone. He criticizes Krause a bit for what she does not say, especially insofar as she overlooks the "important" role religion plays in supporting her perception of honor. This is debatable: Falstaff, after all, calls his destructive analysis of honor "my catechism." More worrisome, however, is Wolfson's failure to attend to much of what Krause does say. He notes, almost in passing, her "puzzling" choices for exemplars of honor—civil rights advocates and women but no generals and neither Roosevelt—and queries her about how "problematic honor can be when divorced from political principles."

But he leaves things at that.

This obscures how Krause's interest in individual agency—i.e., in liberal regimes, individuals will act honorably because it makes them feel good about themselves—displaces interest in discerning what ought to be considered honorable politically. In her version of honor, toleration and individualism trump the age-old concern for standards of political conduct. The question of what makes us feel honorable takes priority for Krause to the question of what is honorable.

Thomas Hobbes makes clear the position of honor in liberal regimes when he says that "in commonwealths...they that have the supreme authority, can make whatsoever they please, to stand for signs of honour." If Krause wants to get beyond this notion for liberals, she cannot avoid the question of what may be honorable outside of what "pleases" us.

Larry Peterman
University of California, Davis
Davis, California

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FURST THINGS

by Christopher Flannery

It is said that No. 1 has Machiavelli's Prince lying permanently by his bedside. So he should: since then, nothing really important has been said about the rules of political ethics. ...We introduced neo-Machiavellism into this country; the others, the counter-revolutionary dictatorships, have clumsily imitated it. We were neo-Machiavellians in the name of universal reason—that was our greatness; the others in the name of a national romanticism, that is their anachronism.

—From the diary of N.S. Rubashov, *Darkness at Noon*

IT IS 1934. YOU ARE A 19-YEAR-OLD BULGARIAN BOY FROM A FISHING village on the Danube. After seeing your younger brother beaten to death by the local fascist mob, you have been whisked off to Moscow, inducted into the Soviet NKVD, expertly indoctrinated body, mind, and soul in the darkest of dark crafts. Perhaps you have reserved some small corner of the soul? It doesn't matter, you are in their grip, you are theirs. There is no escape. They know it, and you know it. That is how it works. In any case, you prove adept at their unfathomable devices, their calculating and manipulating wheels within wheels; and some of their enemies are enemies worth having. You are inserted into Spain, into the labyrinth of the Spanish Civil War—where the world is rehearsing the great war that is coming—to do the work you have been trained to do. Then, in one of its endless purges, the NKVD turns on you—it's no particular surprise, it is what they do, it is the necessary working of the nearly perfect machine—and so you flee. With skill, and luck, and intrepidity you land in...Paris! The city of your dreams, the city of all dreams. You are free. Free to be an ordinary man, to live an ordinary life, all a man can ask for. Or are you? Is all this arranged? Are they running you still? How would you know? What will you do?

Or let it be 10 May 1940. Paris again, O Paris! And you are a French film producer—gangster films, not high art, but it fills the seats; a pleasant life. Your Italian assistant awakens you—you hardly know her, really: *The radio*, she says. *What. It is broken?* No. Through the familiar static, a man reading the news: "... Into the Netherlands. And Belgium. By columns that reached back a hundred miles into Germany," and heading southwest, to the Meuse, to France. The Wehrmacht. *Merde!* Again? *Didn't we fight this war before?* Paul Reynaud, premier of France, comes on the air: "The French army has drawn its sword; France is gathering herself." France will rise! Proud Frenchmen march in the streets and sing the "Marseillaise." But France does not rise; it falls, like bad bread. And you are living in an occupied city in an occupied country. Defeat is surprisingly uneventful, even strangely intimate; life goes on. *Can that be possible?* Then a faux Hungarian colleague, not altogether to your taste, invites you to join him working secretly for the British. You know nothing about such matters. You have never thought yourself a patriot, though you served in the last war, but you cannot help acting like one. What else is one to do? You say yes, uncertainly, *un petit oui*. Ah, but this is a complicated world. Your distasteful Hungarian is actually stealing from the British Secret Intelligence Service, and they, being the professionals they are, catch on to his intrigues.

About you, they are not so sure. *Are you a knave or a fool?* But they have bigger fish to fry. They let you go: *Go live your life. We may be in touch with you, one way or the other.* But this is no ordinarily complicated world, it is a world turned upside down. And you know nothing of such matters. Who does? The counterespionage department of the German *Sicherheitsdienst*, the SD. They have been following your every move. They know that the British have approached you, and that the British will get back in touch, to recruit you. They want you to accept the offer. The British, they tell you, are planning massive sabotage on the continent, in France itself. *So unreasonable. So unnecessary. Many Frenchmen will no doubt be killed as a result. Surely you will want to help. We will let you know what to do. It will all be for the good. You will see...*

Late autumn, 1940. You are a famous Russian writer, "formerly a decorated Hero of the Soviet Union, Second Class," currently the executive secretary of an organization for Russian émigrés in Paris. *Always Paris.* You fled Moscow in the summer of 1938, no doubt just before Stalin's secret police came to knock on your door. Now your new home may not be so congenial. "Half of France [is] occupied by Germany, Poland enslaved, London in flames," and Hitler's and Stalin's armies are marching all over Europe, as allies! You are on a Bulgarian ore freighter "pounding on Black Sea swells" on its way from Odessa to Istanbul. You're only forty-two, and this is already your fifth war. You have come to consider yourself "expert in the matter of running, hiding, not caring." But what are you going to do now?

IF YOU'RE A HERO IN AN ALAN FURST NOVEL, AND YOU ARE, YOU WILL do what you must; what you can. *What else is there to do?* In the world of Alan Furst, you will be pitilessly squeezed in the most diabolical vice ever invented for the soul of man, between the Communist neo-Machiavellians of universal history and the fascist neo-Machiavellians of national romanticism, whose armies and secret police, resolute in murderous cynicism, are crushing between them what is left of the moral universe of Europe, of Western civilization in the epochal years 1933-1945.

I have only recently discovered Alan Furst and become a reader and a fan. I have not yet studied him, much less become a master of his *oeuvre*. But his works do invite study, and not just because they bring to life the endlessly complicated and interesting world of Europe in the '30s and '40s. Half of the books listed here have maps at the front of them, and Furst's stories make you want to fold the map page over and go back to it again and again as the drama of history moves from one vivid locale to another. But much more unusual, each of the paperback editions includes at the end a "Reader's Guide," with a brief summary of his research, suggested further reading, and, most remarkable, "Questions for Discussion."

Furst's research is extensive, including standard histories, works on espionage and undercover operations, biographies, period novels and newspapers, diaries, and letters. He ranks Arthur Koestler's *Darkness at Noon* high on the list of writings from that time that reveal the deepest stirrings of its dark heart, and Furst has made Koestler's shattering insights his own. He recommends Claremont Institute Distinguished Fellow Martin

Gilbert's *A History of the Twentieth Century*, Volume Two, as a work in which "[a]ll the major political events that rule the lives of the characters in [his] novels are described, in chronological order."

Furst, himself, did not discover the theme that has engrossed him for 20 years until he had already written a few books which, he admits without regret, "had been acquired by the National Library of Oblivion." A chance trip to Moscow in 1983 opened his eyes. He had known, of course, that he was visiting a "police state." But his visit brought home to his heart and spirit what his intellect had already known: "The Soviet authorities weren't subtle about it, they wanted you to be afraid of them, and it made me mad." He was particularly mad about all the stories that were going untold, unwritten, because of the repressive fear. "Moscow was a tense, dark city, all shadows and averted eyes, with intrigue in its very air, a city where writers should have turned out spy novels by the yard." But, for good reason, they did not. So he would.

Since the Soviet Union and its satellites seemed "in some sense stuck in 1937," he would start there. And if there was not such a thing as a "historical espionage novel," he would invent the genre. The works listed here are the result, in the order in which he produced them, from 1988 to 2002. He had "found something [he] wanted to write about." It turned out to be a world.

When you enter this world, and are charmed into the socks of an Alan Furst hero, as you will be, you will be forced, unwittingly and wittingly, to compromise, to negotiate, with unthinkable evil. To compromise, to negotiate, but not to submit; not to join the neo-Machiavellian ranks, not to despair. Because Machiavelli and his neo-Machiavellian henchmen are ultimately wrong. Their calculating and manipulating machine is, indeed, a nearly perfect instrument for compelling a man—compelling all men—body, mind, and soul. But it is not perfect, and the neo-Machiavellians themselves know it, the intelligent ones, late at night, when they are alone. Hem it in and grapple it however they may, there is something in the soul of man that escapes their relentless iron grip, and always will. Something ordinary and incalculably dear. Something invincible. Something human. And because you come to know this more surely than you know anything, more surely sometimes than you will admit to yourself or anyone else, you go on.

You do what you can. And as you do, you will be driven willy-nilly by irresistible events, back and forth across a continent in convulsion—a continent, like a woman, with a history. Where the earth herself, arrayed in the loving poetry of Alan Furst, seems layered with every aspiration and every disappointment known to man. Where tragedy has been heaped upon heroism, lost innocence upon betrayal, for a hundred generations; where century upon century of the heart's irrepressible longings are steeped in baffled disillusionment. The rich soil sighs with memory, groans with atavistic prejudice and pride, weeps with lifetimes of lost hope and regret. The rivers trace the margins of ten thousand victories and ten thousand defeats, conquests and submission to the sword. Invading and retreating armies have crossed and re-crossed every plain, creating nations, races, myths in their wake. Every mountain range looms a monumental witness to the endless human folly and grandeur. The cities are encyclopedias; the great old buildings epic

poems. Every street and alley whispers ancient secrets to the night.

It is a continent once again in the savage grip of fate. Just beyond her tortured shores, defended by the slenderest of ribbons, lies England. The neo-Machiavellians, would-be ministers of dark fate, sneer at her quaint notions of "fair play." But they do not yet have her in their grip. And the bulldog has a grip of its own. Far, far beyond, across the ocean, in what seems another universe, is America. Naïve. Innocent still of the history that makes the souls of men so many-sided and complex. Because of that, dangerous in the midst of complexities. But formidable, amazingly well-

equipped. Inexperienced, yes, but for that very reason open-minded and innovative. *They will try anything! They don't know any better.* Eternal optimists. They do not yet know defeat. You can see it even in the way they walk. Brash, sometimes, of course. Annoyingly bright-eyed and vigorous. Nonetheless, somehow refreshing, even admirable—a cause of hope. *The only hope?* What will *they* do?

AS THEY ARE DECIDING, FATE WILL EVENTUALLY, in all likelihood, drive you into Paris, in a train, or on a tugboat, or in a car of specified make, model, and year, and then on to the Brasserie Heininger, and to (what will become) the famous Table 14. There, on an ordinary night, you will find "magnificent bedlam—the music of forks and plates, the ring of crystal glasses touched in toast, manic conversation, unbridled laughter, shouted greetings to friends at far tables. The huge mirrors [glitter] red and gold, the waiters [run] to and fro with trays of *langoustines* and bottles of champagne." And the most colorful characters in the world. Kiko Bettendorf, the racing driver. The Duchess of Trent, accompanied by her deerhounds. The mysterious Mlle. M., perhaps with both her lovers.

While at Brasserie Heininger—and everywhere else—you will have a smoke, many smokes. And not just a generic, anonymous smoke. Depending on what part of the deracinated continent you find

yourself in, or depending on who is offering, you will have a Gaulois, a Gitane, a Sobranie; someone will roll you a smoke from that black *Makhorka*, earthy tobacco grown in the valleys of the Caucasus mountains, or you may be offered a Camel or a Lucky Strike. You will find yourself in café after café, where the blue smoke has curled to the ceiling from every table for generations and has painted the walls a rich caramel color. You will, of course, have a drink, several drinks, each of distinct personality and name—a bottle of Echezeaux, a Ricon or *gentiane*, or a martini *rouge*; Polish vodka, poured impossibly to the rim of the glass, and drunk perhaps in the Russian manner—"with grace, but all gone."

But before long, sooner rather than later, and frequently thereafter, you will—pardon me gentle reader—you will have sex (if you are the Frenchman, you will, of course, already have had it). It may be in a barn or on a barge or in a charming Paris apartment, a cramped room in Prague, or an embassy office chair. It may be desperate or luxurious; simple and traditional, or surprisingly innovative and complex. It may be in sweating detail or poignantly suggested. You may be listening to Samuel Barber's "Adagio for Strings" on the crackling radio, or Duke Ellington, "In a Sentimental Mood." Or you may just be listening to the thunder of

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German guns in the distance. And it will be at the very least forgivable, understandable. But on the whole, much more. Because what is at stake in this ravaged world is the possibility of being human. And here, at least, is one small sign, a tender proof, of human invincibility. A precious human consolation in an inconsolable, dehumanized, and dehumanizing world. And so, I think, Alan Furst devotes a small part of his poetic gift to it. One must add: Although it is possible, however abhorrent, to imagine a neo-Machiavellian having sex—for hygienics? eugenics? the revolution?—no one can imagine a true-blue Nazi or Communist falling in love or having

a romance. They do not have the equipment for *les affaires de coeur*.

But *you* will fall in love—deeply, passionately, and vividly. And you will also have romances. And the two will not necessarily conflict, with one another, or with the call of duty. For they will both remind you, touchingly, humanly, of all that is lovable, all that deserves saving—and needs saving—in your bedeviled world, which becomes our world, the world of Alan Furst.

Christopher Flannery is associate editor of the Claremont Review of Books.

CUM DIGNITATE OTIUM

Editors' Note: Last issue, we were proud to present the first exclusive sampling from Mr. Antongiavanni's recently completed manuscript, *The Dandy*. In this issue, the author discusses the many political pitfalls of the well-dressed man.

OF THE DIFFERENCE BETWEEN FORMALITY AND DANDIFICATION

by Nicholas Antongiavanni

A MAN, WHEN PUTTING TOGETHER ENSEMBLES, SHOULD THINK about how formal are his garments and how dandified. When he understands this, he will have done his part and will find no difficulty in dressing with style and grace. What makes for dandification is panache or strikingness combined with rarity. The dandified, while often unusual, always follows the classic rules of dress (though not necessarily a rule that is still widely observed), or else is based on a judicious breaking of those rules. There is always some risk in wearing what is dandified.

Formality is dressiness; or, to say better, conformity to established modes of propriety, especially those concerning occasions held important and dignified. And if ever you are at a loss as to whether this or that is formal or not, you should consider if you would feel comfortable in it attending your mother's funeral. Heads of state, captains of industry, and those accountable to large numbers of people tend at all times to dress formally. There is rarely any risk in wearing what is formal, unless you wear it to the beach or some similarly unsuitable place. The tension between the two was taught covertly by P.G. Wodehouse, who represented formality in the character of Jeeves, and dandification in Bertie Wooster. There is hardly a story about them in which Bertie's enthusiasm for an adventurous garment does not run afoul of Jeeves's stern sense of propriety. To show two sartorially knowledgeable gentlemen continually disputing the virtue of various garments means nothing other than that a man needs to know how to use both principles; and the one without the other is not elegant.

Short of evening dress, the most formal combination a man can wear is a dark blue suit, a white shirt, and black shoes, and that none of these is the least bit dandified. Similarly formal are all solid suits, and solids generally, and dark colors—except in the case of shirts and handkerchiefs, where white is the most formal (because, these things dwelling close to

the skin, they have more occasion to become soiled, and in the days before cleaning was cheap and easy, white was a mark of gentility). Conversely, white suits and shoes are informal to the highest degree, but dandified to the highest degree—as are suede shoes, slant pockets, Panama hats, and tab collar shirts. And yet, in all other cases, color is more dandified than its absence, but rarely more formal, except in the case of navy or midnight blue suits. Similarly, patterns are always more dandified than solids, but rarely more formal.

And just as there are some things which are neither—like single-breasted blazers, button-down shirts and penny loafers (for nothing common can be dandified)—so too are there some which are both—like the double-breasted jacket, because of its complexity, sophistication, and rarity.

In addition, I say that some things, though not dandified in themselves, can become dandified by their use. Fred Astaire loved the soft nonchalance of Brooks Brothers button-down shirts, and knew that this least dandified of garments became so when paired with a three piece suit. Similarly, he always preferred brown shoes to black, even when wearing nothing else that was brown, because of their added color and richness. And he often used solid ties, which are so grave, to balance and unify a shirt and jacket of differing lively patterns. Some have said that he occasionally took this mode too far, as when he wore his button-down shirts with double-breasted suits. But he never went so far as to wear moccasins with a three-piece suit, or an antique-stripe contrast collar shirt with a blazer and khakis. Not through haphazard mixing but by creating stylish incongruities, he became the foremost dandy of the age and maintained himself in that place with many spirited and daring innovations.

In this, he was not unlike the men of Milan, the best dressed men in the world. The Milanese take without hesitation whatever looks good from every part of the world and make it their own. On them it becomes

style. Thus will you always see them wearing brown shoes, even with dark blue suits, and wearing olive corduroy trousers with cashmere jackets and seven-fold ties, and French-cuff shirts with blazers and gray flannels, and Brooks Brothers button down shirts with worsted suits and Macclesfield ties, a favorite mode of the late Milanese dandy Gianni Agnelli.

Thus does the stylish dresser vary the modes of his clothing, and, while always avoiding those which should not exist at all, he judiciously mixes models, colors and patterns to effect a less studied and more non-chalant look.

IT MIGHT PERHAPS APPEAR TO many, considering the sartorial habits of some American president, that such stylish modes are not natural to Americans, and that it is folly for us to emulate them. Since I want to respond to this objection, I shall discuss the habits of certain presidents, showing that in many cases they dressed better than you think. And I want it to suffice for me to take all the modern presidents, from Roosevelt the younger to George Bush: these were Roosevelt, Harry Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson, Richard Nixon, Gerald Ford, Jimmy Carter, Ronald Reagan, George Bush and his son, and Bill Clinton. And first it has to be considered that whereas heads of state in other countries have leave to dress well, either because their position does not depend upon the people, or else because their people are not offended by fine clothes, American presidents must contend with a people that demands formality from their leaders but eschews and punishes dandification.

For the cause mentioned above, Eisenhower was rewarded with a second term, for he always dressed formally, but never with panache (for vests, while dandified today, were common in his time). Ford almost won despite the corruption of his predecessor, because his formal yet unassuming clothes gave him great credit with the people in sartorially difficult times. Though he had no choice but to wear wide ties, big collars and wide lapels—for none but these were made or sold during his administration—he always chose the least oversized and most sedate.

Before he became Vice President, Johnson dressed modestly, and his few forays into dandification, such as cowboy boots, were consistent with his origins. But later he became envious of the fine clothes he saw on Kennedy, and sought out a London tailor whom he told to make him “look like a British diplomat.” Thereafter he began to dress with more flair—in

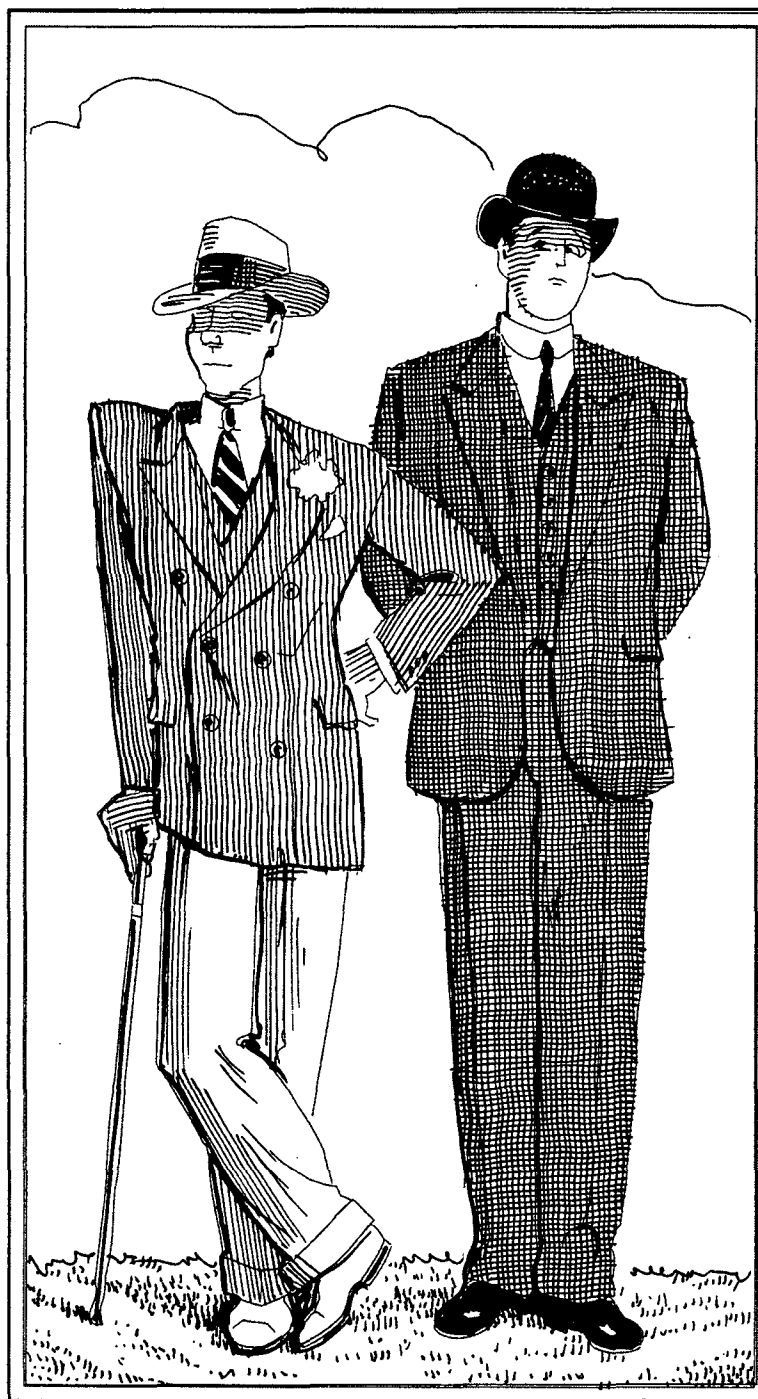
side vents, slant pockets, bold stripes and the like—and, losing credit with the people, he was ruined. Nixon, who famously wore black wingtips to the beach, never lacked formality, but he somehow was reduced to the thrall of those wide, gaudy ties and fishmouth-lapelled suits that came into vogue in the 1970s. He would have been ruined regardless, but in wearing these he did not help himself. For while they might have been popular with some, even those who wore them did not want to see them on their president, whom they expected to uphold the dignity of his office. Later, when he wanted to rehabilitate his reputation, he returned

to the plain style that had served him well before he became president, and this helped him establish himself as an elder statesman.

The first George Bush dressed formally, and, he thought, not at all dandified. But the people recognized in all those rep ties, sack suits, and linen hankies the quality known as “preppiness,” and, as this reminded them of his patrician heritage, it fixed in their mind the impression that he did not understand them or care about them, and so he was ruined. His son, learning from this error, dresses with the crisp formality of a CEO, but without any hint of preppyness, so that if he is ruined, it will not be because of his clothes.

REVIEWING NOW, BY CONTRAST, the habits of Roosevelt, Kennedy, and Reagan, you will find them very formal but also somewhat dandified. To satisfy the people, they always dressed with the dignity required of a president; yet to satisfy themselves, they allowed themselves subtle professions of style; and all except Kennedy were reelected. Reagan had grown accustomed to fine clothing during his days in Hollywood, and when he became president he did not want to give it up. His great virtue enabled him to arrange his ensembles so that while everything he wore was first rate in quality, cut, fit, and style, they were nonetheless always formal and proper. And fortune provided him nothing but the opportunity to follow a president who had offended the people

by dressing shoddily, so that his stylishness was welcome to them. And remembering that he had been a movie star, they could even tolerate in him some measure of dandification. Kennedy always dressed with style, and when he ventured into dandification, like wearing a top hat to his inauguration, the people not only forgave him, but loved him more, because they judged the occasion worthy, and because he looked good in it. And even when, in the conduct of his day-to-day affairs, he avoided overt dandifica-



Wooster and Jeeves: the dandy and the formal dresser.

tion, he was always better dressed than everyone around him, because after acquiring a taste for the Drape when a student in London in the 1930s, he never abandoned it—not in the 1950s, when every upper-class American was wearing the Sack, nor in the 1960s, when the Continental was sweeping the globe. Roosevelt dressed like an Upstate New York grandee, and since he was one, offended no one—not even at Yalta, where he wore a black velvet cape lined in scarlet satin. For since Democrats are held to be more sympathetic to the people, and less priggish, and also because it is considered less commonplace that a man of the people dress with style, they are given more leeway. Whereas Republicans, who are held to be not only avatars of business and the rich, but also scolds, give offense if they do not dress formally yet plainly. For these reasons, dandification that is condemned as insolence in a Republican is praised as elegance in a Democrat, provided he is well born. Thus could Roosevelt dress in any manner he pleased and not be hurt by it, whereas had Landon or Willkie or Dewey attained office and tried the same, they would have been ruined.

But let us come to Truman, who was the least formal and most dandified of presidents. He was the only modern president to wear bow ties, and until recently the only one to wear double-breasted suits. He also favored fancy hats, Panamas and snap brims and such, and did not hesitate to wear lively patterns, light colors, exotic cloths like linen and cotton, and two-tone shoes. And he always wore a pocket handkerchief. Oftentimes in photos you will see him gathered with his advisors, who all blend together in their plain, dark single-breasted suits and white shirts, while he stands out in his boldly checked double-breasted suit and striped shirt. And doubtless the delight he took in dressing stemmed from his days as a haberdasher. But eventually his informality, which at first had seemed so endearing, came to grate on the people. He tried to assuage their anger by switching to dark, three-piece suits, but he was too late, and so as not to risk ruin, he chose not to run again.

IT REMAINS NOW TO TELL THE HABITS OF CLINTON. AND BECAUSE these were notable, I want to show briefly how well he judged necessity in choosing his wardrobe. When Clinton first sought the office, knowing of the weakness of his rivals, he did not take steps to change his mode of dress, which had remained bedraggled for the whole of his life. But when a scare was put into him in New Hampshire, he judged that what had worked in Arkansas might not avail him nationwide. So he adopted the Washington uniform of a dark blue suit, white shirt, and red tie, and was soon for the first time being called “presidential”; and he became president. Then, having gained a taste for the high life afforded to him by the office, he began to find ordinary clothes intolerable. His Hollywood friends introduced him to the designer Donna Karan, who soon began supplying all his clothes. But when the Congress was lost to

him, throwing his administration into disarray, an advisor warned him that to regain credit with the people, he had to return to modest modes of dress. Thus was he re-elected. And though he wished immediately to return to his former ostentation, scandal forced him to remain unobtrusive for many months, though when he traveled abroad, he allowed himself more panache than when at home. Then, once he judged that his enemies were unable to hurt him with the scandal, he began to dress with more display than ever, and became the first president since Truman to wear double-breasted suits. But when a new and greater scandal threatened to ruin him, he returned to modesty, even resorting to the sobriety of the Washington uniform when addressing the people regarding it. The conduct of his enemies, however, so enraged him that he came to judge it as cowardice to vary his dress to placate them, and so to defy them, he again returned to opulence. And because he was successful at deflecting the people’s anger from himself and onto his enemies, they did not pay attention to his clothes, and he survived. Thus whoever examines minutely the habits of this man will find him a most astute judge of the mood of the people and his own exposure to danger, and will see that he varied his dress accordingly, and will not marvel that he was able to escape ruin on so many occasions.

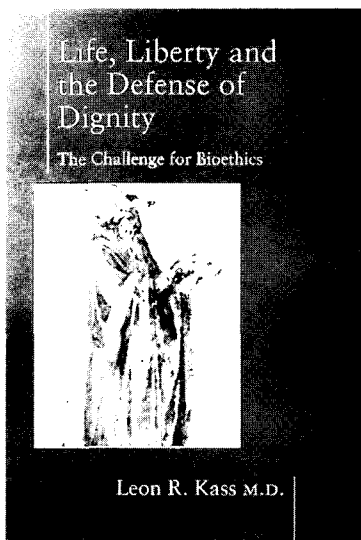
I do not want to reason about Carter, who, because he dressed altogether contemptibly, was quickly ruined; except to say that it is one thing to wear Hawaiian shirts in Key West, or jeans and cowboy boots when splitting wood, and quite another to address the people from the Oval Office in a sweater. But, coming to the conclusion of this discourse, I say that those in our time whose positions depend on the people are forced when they dress to take account of their feelings; and that politicians are hurt both by a lack of formality and too much dandification, but entertainers and others must take care to include some dandification, as was said.

But let us return to our matter. I say that whoever considers the discourse written above will see that formality and dandification are the twin principles that determine which combinations look good, which shoddy, which inappropriate, and which ridiculous. For each individual garment you can wear is formal or informal to its own degree, and also dandified or plain; and through judicious mixing you can combine the two qualities, or their absence, to produce ensembles that themselves are either formal or informal, dandified or plain, or some level in between. In all cases you must avoid the extremes of the one or the other. Therefore, a man cannot follow the predilections of Jeeves, lest he end up looking like an undertaker, nor can he in all things imitate Wooster, without being mistaken for a riverboat gambler; but he should take from Jeeves as much formality as an occasion requires, and from Wooster as much dandification as it allows.

Nicholas Antongiavanni is a writer living in Washington D.C.

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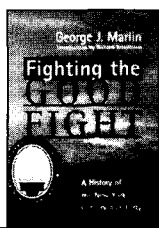
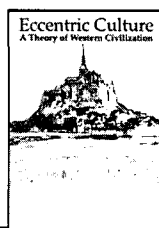
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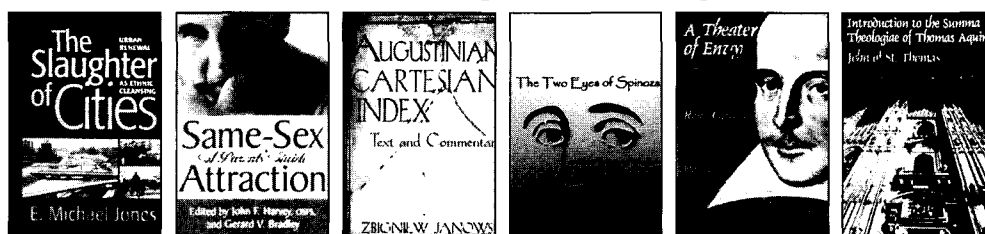
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